

2019 SENATE EDUCATION COMMITTEE

SB 2215

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
1/23/2019
31346

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

Att. #1-Schaible; Att. #2-Copas; Att. 3-Burkle; Att. #4-Fastnacht; Att. #5-Sick

Vice-Chairman Fors: We will open the hearing for SB 2215.

Senator Schaible: *See Attachment #1.*

(7:35) **Senator Davison:** If the proposed organization would grow, do see it as a state agency or do that we could keep it independent so we wouldn't have to fall under the state HR system and that board could have more flexibility to be more responsive to the schools?

Chairman Schaible: We have had lots of discussions on that topic. We are not trying to provide for another agency from a top down approach. The idea behind the coordination council is we need to get our agencies talking together. We need to duplicate good ideas that are isolated in small areas and replicate them across the state. We do not want to change the structure of what is good in our state. What we thought was not happening could be shared with other areas of the state.

Senator Davison: As you look at this and it is impacting the K12 schools, don't you think the majority of the people on this board should be superintendents of the schools? Don't we need to empower those that can have the greatest impact on creating that change?

(11:25) **Chairman Schaible:** Absolutely. There have been many suggestions – most of them very good – one of them is to be sure we get people in the field involved in this – not just directors or oversight people. One suggestion I would look at is rather than the president of the board, let it be the designee of the president. Let the people in the field that are hearing the issues be on the council.

Senator Davison: Then, perhaps the leadership of that director along with the administrators across the state then the leadership from that executive director could help drive these other organizations that need to be part of those sub committees depending on the topic and what is happening. They can be engaged on an as needed basis. What happens with some of these larger committees is they don't feel they have any say and they get lost and stop showing up. That is my biggest concern, getting a council that is engaged in the process.

(13:02) **Chairman Schaible:** That is the exact intent of what we are trying to do. The other conversation that we had was with the stakeholders is that so many of these people represent schools and many other entities. One teacher or principal might be covering three or four different organizations. The intention is to replicate the good things across the state.

(13:44) **Senator Oban:** How do we know that they will accomplish anything?

Chairman Schaible: I agreed with you, it is the results that you get from all of this – statewide vision, coordination council or several of the other bills that we have heard. I think they all need to work together if any of it is going to work. I think that's the idea, but it is the result that you get from it. If you put the right people on there and let them do the job, I think good things will happen. We've heard that, where we hear good things that are happening, and they replicate it whether it is innovation or work in REAs or Medicaid services that we have heard. The thing is, is the word getting out to everyone and can we do it better.

Senator Davison: The coordinating council is proposed to solve problems on a statewide basis standpoint than just the regional standpoint so we can expand these best practices and communicate them in a faster manner. Would you agree with that?

(16:34) **Chairman Schaible:** I totally agree with that and I would like to expand it a little more. Service agencies that I have seen do a fantastic job, but in my mind, they seem to be a little tunnel vision where they are mostly focused on their goals or what their trying to do. I think we need a little more state vision with that or an overall look at that. We need somebody to say, "Can this service agency by doing this, and this service agency even having discussion would be a big advantage to what could be done. The president of the ND School Boards Association or even Career and Tech asked, "if you wanted me to talk to them, why didn't you just tell me that?" I said, "Well, I want you to talk to them and my second part of that question was "I don't think I should have to tell you that." I understand they are busy – they are focused on their job and they are extremely busy and can't do it all. That's why I think we need somebody to kind of oversee this and maybe enhance the discussion, or even, at times, suggest things that aren't happening.

(18:23) **Aimee Copas, Exec. Director of the Council of Educational Leaders: See Att. #2.**

(21:23) **Senator Oban:** You said it was expanded to bring some voices to the table. It is a little administrator heavy.

Aimee Copas: I think the administrators at the table represent different fields of administration. To say that the job of a superintendent is the same as that of a principal, is inaccurate. Their jobs are very different. Trying to represent the fields at the table. That is the

recommendation that came out of the committee and how the task force felt like it was a good recommendation. That doesn't mean that is the way the bill has to be at the end of it.

Senator Oban: I wasn't able to make that meeting. I just think we to be interesting to have your feedback and thoughts on including others on the Council.

Aimee Copas: We are open to making changes – it is the concept that holds the most merit. Trying to discern to the point that we get the right people around the table. The council would not be precluded from calling other people in to work on other issues as we work on issues or struggle with different policy pieces.

Senator Oban: Nineteen is a big council.

Aimee Copas: It is in the eyes of the beholder. My board is twenty-one and that is just one of them. I have 10 of them that are highly active boards – Lynn used to be on one of them – all of them with 20 or more. It depends on the attitude and how people come to the table as to whether or not it can be functional. If nobody comes in with an obstructionist attitude and we are all here servicing to the same point to getting to a good place with kids, we find it to be fireworks and dynamic. If people come in with a crappy attitude, you are right! Nineteen is far too many. It depends on the makeup. It can work.

Chairman Schaible: Thank you.

Nick Archuletta, President of ND United: I am here today to urge a do pass for SB 2215. I understand having nineteen members of a committee, it is a large committee, there is no doubt, but I think the important voice of an elementary teacher, a middle school teacher, and a high school teacher would add an important set of eyes and attitude and voice to make this council even more effective. That is particularly true if you take a look at while, you know there is some discussion that maybe this council will be or take some jurisdiction over the TILE program. It is important to have teacher voice there. If you look on page five of the bill, section 3, subsection 7; some of the things the council may do, for example b) conduct a continuing study of the effectiveness and efficiency of the elementary and secondary educational system in the state. I think you need teacher voice in that. The same thing with c) coordinate communication among elementary and secondary education entities. I think that would be another key area where teacher voice is concerned. Support innovative education practices, that seems obvious, f) provide recommendations to all elementary and secondary education entities. I think those recommendations would carry a lot more weight if in fact teacher's voices were at the table when they are being developed.

Senator Oban: You don't see the ability to contract this a little bit and then have subcommittees that would be doing those exact things?

Nick Archuletta: I think for the big picture in terms of making sure – I mean the subcommittees are great and could be very effective and what Aimee suggested – nothing precludes this council from forming other subcommittees and bring in expert voices. I think as a council, dealing with education, the practitioners of that education include more than administrators and principals and athletic directors and so on. The teacher voice is very, very important.

(27:02) Chairman Schaible: Other testimony in favor of the bill.

Elroy Burkle, Exec. Director of ND Small Organized Schools: *See Attachment # 3.* We go on record of supporting SB 2215. If you make the council too small, it is too restrictive.

(30:15) **Jeff Fastnacht, Asst. Superintendent Mandan Public Schools, Chair of the Education Technology Council, member of the Career and Tech Ed Board and the State Board of Public Education:** *See attachment #4.* I wear multiple hats. I stand in support of this bill.

(34:14) **Mark Wagner, Asst. Director of Department of Career and Technical Education for Wayde Sick:** *See Attachment # 5.*

(37:13) **Senator Davison:** Why is this size committee a concern, do you want a vote?

Mark Wagner: Yes, I believe he (Wayde Sick) would like to be there for a vote.

Senator Davison: Why don't he just say that? We want to be on the council because we want a vote. It's not just you, it is everybody. What we learned when we created the REAs, is there were too many people. We included everybody and if their sister wanted to come, and so, because everybody wanted to have a voice – but really – they wanted to have a vote. What we recognized is that there were only so many that really wanted it to succeed and they really knew what was going on and how to make it work. The smaller that you had that group, the more you got done because it was the doers that were there. The people that were there because they to just be there and at the end they got to vote – they didn't do the work and that slowed the process down. That is the key to getting something off the ground. Everybody can have a voice – you can call, you can show up, you have NDCEL, you got CTE; there are all kinds of ways to have a voice. But at the end of the day, if it gets to big only half of the people will do the work and at the end of the day, it won't be as successful. I appreciate you saying it is the vote. People want to vote, that is why they want to be on it.

Mark Wagner: I don't know if that was a question or not, but I would agree that my work with the REA in the northeast area and also with my work with CTE career and tech centers – we have some members that didn't want a vote. They just wanted their students to go, but they didn't want that, but the ones that wanted to get something done wanted that vote and work.

Senator Davison: But the people that were there, and I'll say the superintendents that were there, the people that didn't worry about the vote – they trusted the people that were there. That's what we are trying to do – build trust and build communication and for 25 people to show up and be on a council, that is a very difficult process. I would argue whether until recently whether that workforce council – how do you measure that has been successful – over the last 18 months I might agree with you – the previous three to five years, I might have some disagreement with you.

Chairman Schaible: Seeing no more questions, thank you.

(40:56) **Alexis Baxley, Exec. Director of ND School Boards Association:** The school boards association stands in support of the bill.

Luke Schafer, Missouri River Education Cooperative: I was on the REA representative on this group. Two things I would like to bring up regarding the size of the group and the roles of the group. First, it may not be the size of the group that is important, but, the role of the individuals, especially as you think about do you want a vote or voice, or do you want to be included in the discussion so that you can let the coordination council what you are capable of doing and what you are able to do when you go back to your agency. The chairman pointed out when the hearing was opened, each of the entities are really focused on their work and he kind of talked about a blind spot then, focused on that with tunnel vision allows each agency to do that work well, but having a coordination council, we want to be sure everyone can talk about what people can and can't do. The second piece that I think is really important because 19-25 members is probably too big to be able to make change happen. There are a lot of groups that have ex-officio members, who have members that show up who contribute to discussion that don't necessarily get a vote and they work very, very well. I know that I had in my two REAs I had a group of 15 as a board and a group 7 as a board – while the group of seven had many ex-officio members, we were able to a lot more with that group because of its smaller and everyone knew their function. As for the REAs, we certainly do favor being at the table.

Senator Davison: Do you think there needs to be a Special Education person on this council?

Luke Schafer: Again, I think if there are ex-officio members, people included whether it is through subcommittees or different setups, I think it would be very good as the official wall note taker during the meeting where some of these people came up – we were at about 37 people on the list and go whittled down further. Special Ed was on the board. I know they are represented through NDCEL, but there are a lot of Special Ed Units and often they could benefit from the same things as you discussed with REAs when good things happen in one, it would be shared broadly.

Chairman Schaible: Thank you.

(44:48) **Superintendent of Public Instruction Baesler:** Every four years, I have an evaluation in my job performance that is dependent on how our students are doing. I would say that it is very, very important that we be successful. I could go on with a litany of experiences I have had on how important it is in order to have the input and coordination and voice of all people involved. I would say that from my first days of working in a building and working with teachers, being on a board where we were the lowest performing class A high school in the state because there was so much discourse that was occurring in our district. We had to bring people together with teachers, school board members, park board, city commission and community to make sure that our students were doing well. In the state superintendent position, I could bring up the ESSA facilitation where we brought a very large group of people together to write the ESSA plan. Department of Public Instruction facilitated that work and the members of the committee wrote that plan for ND. SB 2186, as we went around with the administrators, legislators, state chamber and teacher's union across the state to talk about how can we make education better. I will share with you the important effort we have to make sure that we have the voices coming together to do just as Chairman

Schaible said – share best practices, have input, respect each other, have a proper balance of a lot of different voices because there is not an example that I could give you where it wasn't the teachers working with the principals, working with the superintendents, working with the board, working with the families, working with the community where it was ever successful. We have a few people that could make policies, but that implementation of policies will go nowhere if you don't have buy in on those policies. I will also share with you from my perspective as a state superintendent for ND that we are very different, and very unique from most other states. We have a very disaggregated operation of K12. In the majority of the states, the setup for distance education is part of the department of education. The career and technical education is part of the department of education. The REAs are part of the department of education. That is not the way it works in ND, so relationship building, the opportunity to come together has been something our department has really worked on. You may have seen an example or a product of that with the vision that we put together with the aligned initiative. It takes a tremendous amount of work, it takes a tremendous amount of effort and trust that is the most important thing. The size doesn't matter, the trust level does. I'm just saying that it is worth the effort. Without it, nothing good - product will result.

Chairman Schaible: Thank you.

(48:21) **Levi Bachmeier, Policy Director of ND Governor's Office:** I would like to reiterate everything that was shared here today. It is important to not only get the people who are working in the field together, but also those who are charged to Superintendent Baesler's point in the room as well. I think one of the things we learned – the governor's office – shortly after taking office, the governor has a lot of ideas and like to move very quickly. I think it as just as important for those who are working here in the capitol what is going well and what needs improvement and how can we work together as much as bringing those folks who are working in the field to discuss what it actually looks like. It is so important that everyone is included. Bringing this work group together and hearing the conversation makes more confident than ever that this group can make a difference. I think that there should and will be some rigorous conversation on what is the right balance of members vs. ex officio, representatives from the field and balancing all those entities. We have a strong coordinating council, but I think it is going to come down to leadership. The workforce development council was less guided by the specific parameters, members, and goals and by the leadership of the people that came together that said we have a problem as it relates to workforce in the state and we need to do something serious about that. Very excited for the potential that this holds. The only thing the governor asked me to add here today is that he would advocate for consideration of a student to participate in the conversation, whether that would be as an ex officio or voting member.

Hearing closed on SB 2215

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
1/29/2019
31666

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

Att. #1 & #2-Davison

A subcommittee of the Senate Education met to discuss of SB 2215. Senator The discussion centered on the wording of the bill and how at the proposed coordinating council would operate, the number of members and the individuals that would be part of the council. Senator Davison provided the subcommittee a copy NDCC 15.1-09.1 to help other members of the subcommittee how the REAs were established and individuals working for the REAs were not part of the human resources department of the state of ND. The committee also reviewed the goals of the Workforce Development Council to develop goals for the coordinating council. ***See Attachments #1 & #2 supplied by Senator Davison.***

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
2/4/2019
32114

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

Att. 1,2-Schaible

Chairman Schaible: Committee, let's look at SB 2215. See Attachments #1 and #2. Senators Davison and Oban will explain the amendment and the bill.

Motion by Davison second by Oban to adopt amendment 19.0584.01002.

Roll call taken: Yeas 7; Nays 0; Absent 0.

Amendment 19.0584.01002 is adopted.

Motion by Davison, second by Oban to Do Pass as amended SB 2215.

Roll call taken: Yeas 7; Nays 0; Absent 0.

Motion carried.

Davison will be the carrier.

SK
1934

PROPOSED AMENDMENTS TO SENATE BILL NO. 2215

- Page 1, line 15, after the first "of" insert "the center for distance education"
- Page 1, line 15, overstrike "supervision" and insert immediately thereafter "authority"
- Page 1, line 16, remove "state board for career and"
- Page 1, line 17, remove "technical education"
- Page 1, line 17, overstrike "shall" and insert immediately thereafter "director of the department of career and technical education may"
- Page 1, line 17, overstrike "a state director of" and insert immediately thereafter "administration and staff for"
- Page 1, line 18, overstrike "director" and insert immediately thereafter "administration"
- Page 1, line 18, overstrike "the director's" and insert immediately thereafter "its"
- Page 1, line 19, overstrike "the administration of" and insert immediately thereafter "administering"
- Page 1, line 20, after "education" insert ", under the supervision of the director of the department of career and technical education and in compliance with requirements established by the superintendent of public instruction and the education standards and practices board. The state board for career and technical education shall administer the responsibilities of the board of a school district relating to the center for distance education"
- Page 2, line 9, remove "presiding officer or executive director of the kindergarten"
- Page 2, line 10, remove "through grade twelve education coordination"
- Page 2, line 10, overstrike "council" and insert immediately thereafter "director of the department of career and technical education"
- Page 2, line 12, overstrike "The state treasurer shall make periodic transfers upon order"
- Page 2, overstrike lines 13 through 15
- Page 2, line 16, overstrike "The"
- Page 2, line 16, remove "kindergarten through grade twelve education coordination"
- Page 2, overstrike lines 17 through 22
- Page 2, line 23, remove "kindergarten through grade twelve education coordination"
- Page 2, overstrike lines 24 through 30
- Page 3, line 1, overstrike "3."
- Page 3, line 1, remove "kindergarten through grade twelve education coordination"
- Page 3, line 2, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 7, overstrike the first "council" and insert immediately thereafter "board"

Page 3, line 7, overstrike the second "council" and insert immediately thereafter "board"

Page 3, line 9, overstrike "state director of the"

Page 3, line 11, remove "kindergarten through grade twelve"

Page 3, line 12, remove "education coordination"

Page 3, line 12, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 19, remove "The kindergarten through grade twelve education coordination council shall coordinate"

Page 3, remove lines 20 and 21

Page 3, line 22, remove "3."

Page 3, line 22, remove "kindergarten through grade twelve education coordination"

Page 3, line 23, replace "Two" with "Three"

Page 3, line 23, after "assembly" insert ", one of whom must be a member of the minority party."

Page 3, line 27, replace "director" with "president"

Page 3, line 27, replace "department of" with "state board for"

Page 3, line 27, replace "director's" with "president's"

Page 3, line 29, replace "executive director" with "president of the board"

Page 3, line 30, replace "director's" with "president's"

Page 4, line 1, remove "The executive director of the education standards and practices board or the"

Page 4, remove line 2

Page 4, line 3, remove "g."

Page 4, line 3, replace "director" with "president of the board"

Page 4, line 3, replace "director's" with "president's"

Page 4, line 4, replace "h." with "g."

Page 4, line 4, replace "director" with "president of the board"

Page 4, line 4, replace "director's" with "president's"

Page 4, line 6, replace "i." with "h."

Page 4, line 6, replace "director" with "president of the board"

Page 4, line 6, replace "director's" with "president's"

Page 4, line 8, replace "j." with "i."

Page 4, line 8, replace "based upon recommendations made by" with an underscored colon

Page 4, replace lines 9 through 21 with:

- "(1) An individual representing the statewide longitudinal data system committee;
- (2) An individual representing a tribal school;
- (3) An individual employed as a public school administrator;
- (4) An individual employed as a public school principal;
- (5) An individual employed as a public school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association."

Page 4, line 22, replace "4." with "3."

Page 4, line 25, replace "5." with "4."

Page 4, line 26, replace "6." with "5."

Page 5, line 5, replace "7." with "6."

Page 5, line 5, remove the underscored colon

Page 5, line 6, replace "a. Hire" with "hire"

Page 5, replace lines 7 through 13 with:

"7. The council shall:

- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
- b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
- d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
- e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
- f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
- g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
- h. Develop and utilize subcommittees as needed.

- i. Seek advice and input from interested parties not appointed to the council as needed."

Renumber accordingly

Date: 2-4-19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2215

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0584.01002

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Davison Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-4-19
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2215

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Davison Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Davison

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2215: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 15, after the first "of" insert "the center for distance education"

Page 1, line 15, overstrike "supervision" and insert immediately thereafter "authority"

Page 1, line 16, remove "state board for career and"

Page 1, line 17, remove "technical education"

Page 1, line 17, overstrike "shall" and insert immediately thereafter "director of the department of career and technical education may"

Page 1, line 17, overstrike "a state director of" and insert immediately thereafter "administration and staff for"

Page 1, line 18, overstrike "director" and insert immediately thereafter "administration"

Page 1, line 18, overstrike "the director's" and insert immediately thereafter "its"

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Page 2, line 9, remove "presiding officer or executive director of the kindergarten"

Page 2, line 10, remove "through grade twelve education coordination"

Page 2, line 10, overstrike "council" and insert immediately thereafter "director of the department of career and technical education"

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- (2) An individual representing a tribal school;
- (3) An individual employed as a public school administrator;
- (4) An individual employed as a public school principal;
- (5) An individual employed as a public school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association."

Page 4, line 22, replace "4." with "3."

Page 4, line 25, replace "5." with "4."

Page 4, line 26, replace "6." with "5."

Page 5, line 5, replace "7." with "6."

Page 5, line 5, remove the underscored colon

Page 5, line 6, replace "a. Hire" with "hire"

Page 5, replace lines 7 through 13 with:

- "7. The council shall:
- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
 - b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
 - c. Identify opportunities for increased collaboration among state education entities and stakeholders.
 - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
 - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
 - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
 - g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
 - h. Develop and utilize subcommittees as needed.

- i. Seek advice and input from interested parties not appointed to the council as needed."

Renumber accordingly

2019 HOUSE EDUCATION

SB 2215

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2215
3/12/2019
33568

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to creation of K-12 education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and statewide longitudinal data system committee; relating to educational technology council

Minutes:

Attachment 1, 2, 3, 4, 5, 6

Chairman Owens: Opened the hearing on SB 2215.

Sen. Don Schaible: (Attachment 1)

Chairman Owens: Any questions from the committee?

Rep. Ron Guggisberg: Would the idea be that this committee take on some of the work that is currently being done by interim committees of the legislature and task force by the Governor, or are we going to have more duplication?

Sen. Schaible: I see it as a collaboration between the two. The best thing to do is to get these people together right away and have the information brought in. I see it as a time saver.

Chairman Owens: Any questions from the committee? Anyone else in support of SB 2215?

Aimee Copas, NDCEL: (Attachment 2)

Chairman Owens: Any questions from the committee?

Jeff Fastnacht, Assistant Superintendent, Mandan Public School District and Chairman, North Dakota Education Technology Council: (Attachment 3)

Chairman Owens: Any questions from the committee? Anyone else in support?

ElRoy Burkle, ND Small Organized Schools: (Attachment 4)

Chairman Owens: Any questions from the committee? Anyone else in support of SB 2215?

Amy DeKok, In-house Legal Counsel, North Dakota School Board Association: NDSBA supports the creation of the Coordination Council and any effort to encourage a collaboration among school districts, REAs, state agencies and other education stakeholders. end -17:45

Chairman Owens: Any questions from the committee?

Matthew Lonn, Director of Statewide Programs, ND Center for Distance Education: (Attachment 5) end 24:20

Chairman Owens: Any questions from the committee?

Rep. Mary Johnson: Was a member of CDE represented in the previous Governor's Commission on Education?

Matthew Lonn: Yes, we were a part of the initial committee.

Rep. Mary Johnson: If you move under the auspices of the CTE and they are a member of the new K-12 Coordination Council, can CTE not adequately represent the interests of the Center for Distance Education?

Matthew Lonn: As the bill is worded, a representative of the Career and Technical Education board or the board's designee can be represented on the Council. Our concern is that with that board member representing both CTE and CDE, CDE is not CTE. North Dakota CDE offers many different services that NDCTE does not. That is our concern that we would be buried under another layer. This was some of the reasoning. Moving us toward Career and Tech is that it removes some of the initial layers that were in place when we were under ITD. The best way to describe it is that we are not Career and Tech. Even though under the state bureaucracy it would put us underneath them, we provide something unique that they don't. end 26:30

Rep. Mary Johnson: Was a member of ETC on the Governor's Commission on Education as well as Center for Distance Education?

Matthew Lonn: Yes, I believe so.

Chairman Owens: Any questions from the committee? Any others in support of SB 2215?

Rod Backman, State Association of Non-Public Schools (SANS): (Attachment 6)

Chairman Owens: Any questions from the committee?

Rep. Mary Johnson: Were non-public schools represented on the previous Governor's Commission on Education?

Rod Backman: I think there was someone from a for-profit, private education. There was no one from the SANS group.

Chairman Owens: Any further questions of the committee? Anyone else in support? Any opposition? Any neutral testimony? We'll close the hearing on SB 2215.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2215
3/20/2019
34054

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to creation of K-12 education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and statewide longitudinal data system committee; relating to educational technology council

Minutes:

Attachment 1

Chairman Owens: Opened committee work on SB 2215.

Vice Chairman Cynthia Schreiber-Beck: This is the Christmas tree version. The reason why sections 1 and 2 are removed is because they occur in SB 2216. It was quite confusing. The exact language is in SB 2216 and there is more to that bill. The sponsor of the bill said he wanted to assure everyone that it was being moved or changed. It was confusing so it was removed. (**Attachment 1**)

There are no corrections or amendments on page 3. Page 4 is clean and page 5, line 22, 'j' is added as one of the duties of the coordination council. On line 30 of page 5 – in taking out the use of "Power School" there are some exceptions to those schools who used a system and they allowed it to the whole language of the bill had to be in there. We amended it and it is going to a conference committee.

Rep. Michelle Strinden: I don't see non-public schools included. Is that included in the amended version?

Vice Chairman Cynthia Schreiber-Beck: The non-public schools are not included in the amended version. In discussion with a couple other people who were very instrumental in producing this bill, this bill can go to conference committee as well as we have changed the bill. There is the opportunity in here to put them on committees. There are subcommittees advised that this coordination council can do, etc. They will have the opportunity also, any home education can too. The first place it will go to is the coordination council.

Rep. Mary Johnson: It could be all encompassing.

Vice Chairman Cynthia Schreiber-Beck: Also under 'h', they have subcommittees which may be membership, but they can use anybody and get information from anybody that they would want to or they would ask. At this point we did not add them in.

Rep. Mary Johnson: I think both of them would come under 7 b in that category of the effectiveness of delivery.

Chairman Owens: Any further comments or questions?

Representative Denton Zubke: I'll move Amendment .02002 to SB 2215.

Rep. Ron Guggisberg: Seconded.

Chairman Owens: Any further questions?

Rep. Brandy Pyle: Did we address any child psychologist or anything on the behavioral health side to be included on this board in item 2?

Vice Chairman Cynthia Schreiber-Beck: There are units in special education and normally a lot of those people are involved with the special education units.

Chairman Owens: Any further questions?

Rep. LaurieBeth Hager: We have been talking during the last couple of months about the importance of behavioral health services and special education. With the theme we have had here regarding behavioral health, it would be a brilliant addition.

Vice Chairman Cynthia Schreiber-Beck: There is a portion in here that looks at the strategic vision. That is one of the factors in strategic vision, heavy behavioral health. They are not disregarded in here. Also, a lot of the counselors, the REAs for the smaller schools have a director of regional education association. They can be added at any point for any piece.

Rep. Brandy Pyle: I still think we need to have them.

Chairman Owens: I do have a change in that same paragraph. I'm going to save it for the conference committee as I know there will be more than that they will want to talk about.

Vice Chairman Cynthia Schreiber-Beck: We had another request for addition to the membership, too, and that isn't included.

Chairman Owens: On page 3, section 1, paragraph 2 a, 'three members of the legislative assembly, one of whom must be a member of the minority party, selected by the legislative management;'. You know they are going to want that it be selected by the majority leaders of both chambers. This is the amendment in front of us now. Any further discussion?

A Voice Vote was taken. The **motion carried** and the bill was **set aside for further discussion**.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2215
3/26/2019
34244

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to creation of K-12 education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and statewide longitudinal data system committee; relating to educational technology council

Minutes:

Attachment 1

Chairman Owens: Opened the meeting on SB 2215

Vice Chairman Cynthia Schreiber-Beck: If you look at SB 2215 amendment .02005, the Christmas tree version and the plain amendment on one sheet. We moved the .02002 amendments on 3-20-19, and this is another set of amendments that are fairly simple because they encompass every amendment we did on .02002 plus a couple of pieces on how it redefined how the legislative people would be appointed to this committee. On page 3, line 23; added on page 4, line 13, added (8) A behavioral health representative from the department of human services; and if this replaces that amendment it doesn't show it in here. We had added a 'j' on page 5, which is no longer there. In speaking with one of the bill sponsors he said he didn't want to see that in there. It might cause more questions from the House side as well. Instead of right now there is the resolution HCR 3011, which is to review all of the 15.1 code. He just wanted to be just assigned as a task. **(Attachment 1)**

Rep. Ron Guggisberg: If the majority leaders are picking their members, why aren't the minority leaders picking their members?

Vice Chairman Cynthia Schreiber-Beck: I asked him to put that in there and he didn't. He should change that.

Chairman Owens: There is only one minority position so the Senate and the House have to come together to pick it.

Rep. Ron Guggisberg: It says 'through coordination between the majority leaders'.

Chairman Owens: That was supposed to say 'minority leaders'. You are absolutely right. Why would the majority want to select the minority member? That was a typo. That change can be made now.

Vice Chairman Cynthia Schreiber-Beck: We can strike on page 3, line 26, where it says 'majority leaders' it should say 'minority leaders'.

Rep. Pat D. Heinert: What happens if there are (inaudible) parties?

Chairman Owens: That is a good point. In theory you could have the majority party as the Republicans in the House and the majority party as the Democrats in the Senate. Then the minority in both houses collaborating on who the minority would be, but it has to be a minority of the chamber.

Vice Chairman Cynthia Schreiber-Beck: Mr. Chairman, I actually wanted two and two, one majority and one minority out of the Senate and one majority and one minority out of the House. That would solve that problem, but we would have to reword this. I can reword this. That is the only way we would eliminate that situation.

In talking to the other bill sponsor, he wasn't too happy when I wanted that, but I think it works well. Then when the full committee is there you would have nineteen.

Chairman Owens: It would state 'the member of the majority party from each chamber selected by the respective leader and a member of the minority party from each chamber selected by the respective leader. You will have to delete 3 and put 4 in.

Rep. Mary Johnson: In the original SB 2215, which would move distance education from ETC to Career and Technical. That won't be happening anymore? Correct?

Vice Chairman Cynthia Schreiber-Beck: That is in SB 2216. This was repetitive information that was included in this bill. Does everyone understand the change in the amendment to the two and two? Any other questions?

Rep. Mary Johnson: What was wrong with the way it was?

Chairman Owens: The issue was that it said 'and one member of the minority party coordinated by the minority parties of both chambers'. What happens when those parties are different?

Rep. Mary Johnson: (inaudible)

Chairman Owens: They never reach agreement.

Representative Denton Zubke: I'll **Move** that we amend SB 2215 with the proposed amendments in .02005 with the reference changes – the word changing on the minority representative.

Chairman Owens: Is there a second?

Vice Chairman Cynthia Schreiber-Beck: Seconded.

Rep. Mary Johnson: What's wrong if they would have a republican and a democrat?

Chairman Owens: There is only one slot, so you can't have both of them in there. For that minority there is only one slot.

Vice Chairman Cynthia Schreiber-Beck: didn't turn microphone on

Representative Denton Zubke: no microphone

Rep. Mary Johnson: inaudible

Rep. LaurieBeth Hager: Can you restate what the amendment was?

Chairman Owens: What it said was 'one majority party member from each chamber selected by their respective leader and one minority party member from each chamber selected by their respective leader'. That is what we changed it to. On line 22 where it says three you change it to four. It will make the council a total of nineteen.

Rep. Mary Johnson: It's going to be a two and two?

Rep. Ron Guggisberg: Everybody else on the council is probably over-representative of who they are representing but we want all those people on there so we have different aspects looking at this education policy.

Chairman Owens: SB 2215 is solidifying the focus that occurred during the interim where everybody in the education industry in North Dakota was brought together around the table to get a singular focus on educating children, save homeschoolers and private school. It does represent everyone else involving K-12. It's taking away a committee that just dealt with district border disagreements or annexes and turned it into the K-12 coordinating committee. That is to put it in statute so it continues and it is not just an interim event. Any other questions?

A **Voice Vote** was taken and the **motion carried to adopt an amendment** on SB 2215

Representative Denton Zubke: I'll move a **Do Pass** on SB 2215 as **Amended**.

Vice Chairman Cynthia Schreiber-Beck: Seconded.

Chairman Owens: Any discussion?

A **Roll Call Vote** was taken: **Yes 14, No 0, Absent 0.** A **Do Pass** motion carried with **Rep. Schreiber-Beck** carrying the bill.

DP 3/20/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 5, after line 21, insert:

"j. Review title 15.1 and provide a report annually, along with recommendations for any necessary legislation, to a committee designated by the legislative management."

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The ~~superintendent of public instruction~~statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~implement and utilize ~~PowerSchool~~the state student information system if the school district demonstrates that, in:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party" with "house of representatives"

Page 3, line 23, replace "legislative management" with "majority leader of the house of representatives, one member of the senate selected by the majority leader of the senate, and one member of the minority party selected through coordination between the majority leaders of each chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

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2. The ~~superintendent of public instruction~~statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~implement and utilize ~~PowerSchool~~the state student information system if the school district demonstrates that, in:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

March 26, 2019

DR 3/26/19
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, replace "Three" with "Four"

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party from each chamber of the legislative assembly, selected by the respective minority leader of the chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The superintendent of public instruction statewide longitudinal data system committee may exempt a school district from having to acquire implement and utilize PowerSchool the state student information system if the school district demonstrates that, in:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

DE 3/26/14
2 of 2

Date: 3-20-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2215

House Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0584.02002

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Zubke Seconded By Rep. Guggisberg

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment VOICE VOTE - MOTION

If the vote is on an amendment, briefly indicate intent:

CARRIED

Date: 3-26-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2215

House Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0584.02005 - word changing on minority representative

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Zubke Seconded By Rep. Schreiber-Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marshall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment VOICE VOTE - MOTION CARRIED

If the vote is on an amendment, briefly indicate intent:

Date: 3-26-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2215

House Education Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. D. Zubke Seconded By Rep. Schreiber-Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	X		Rep. Guggisberg	X	
V. Chair. Schreiber-Beck	X		Rep. Hager	X	
Rep. Heinert	X				
Rep. Hoverson	X				
Rep. D. Johnson	X				
Rep. M. Johnson	X				
Rep. Johnston	X				
Rep. Longmuir	X				
Rep. Marschall	X				
Rep. Pyle	X				
Rep. Strinden	X				
Rep. Zubke	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Schreiber-Beck

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2215, as reengrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, replace "Three" with "Four"

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party from each chamber of the legislative assembly, selected by the respective minority leader of the chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The superintendent of public instruction statewide longitudinal data system committee may exempt a school district from having to acquire ~~implement~~ and utilize ~~PowerSchool~~ the state student information system if the school district demonstrates ~~that, in:~~
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

Renumber accordingly

2019 CONFERENCE COMMITTEE

SB 2215

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
4/10/2019
Job #34655 (28:01)

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota Century Code, relating to the creation of the kindergarten through grade twelve education coordination council; to amend and reenact subsections 1 and 2 of section 15.1-07-33, subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

Minutes:

No Attachments

Chairman Davison calls the Conference Committee to order on SB 2215. All members were present: Senator Davison (Chairman), Senator Schaible, Senator Oban, Representative Owens, Representative Schreiber-Beck and Representative Hager.

Chairman Davison: Please go over your final version and the amendments that you made.

Representative Schreiber-Beck: With the 2006 version, we took out section 1 which was related to moving that center for distance education for career and tech to career and tech. Then we go to the Kindergarten through grade twelve education coordination council. That's basically where the new version of the bill begins. Section 2 changed from three members of the legislative assembly to four and did the appointment of those in a different manner because the majority and minority parties may change, so we wanted to address that. Also on the group we added a behavioral health representative from the Department of Human Resources. They wanted to address having someone with some counseling background on there, especially with behavioral health. Section 2 on page 5, PowerSchool could no longer be utilized, so we had to amend that section to include the prior bill that had not been passed and signed by the Governor yet.

Chairman Davison: As you went through and added the behavioral health representative, how did the discussion go in relation to the ability to call people forward and have a discussion

about a particular topic versus perhaps actually voting on how somebody might be hired, who would be hired or how we're going to roll out this council? How did you see that in the discussion?

Representative Schreiber-Beck: We thought if we're going to work on anything that related to behavioral issues, we should call upon the department of human services so we don't get ahead of ourselves and see what they can help provide within the school settings.

Chairman Davison: With the coordinating council and its members, we were trying to determine which ones we could call up and bring to the meeting based on what the agenda is, and which ones do we actually want to be voting and determining how this council will move forward. For example, in regards to hiring an executive director. That's some of the discussion we had on the Senate side. With behavioral health, do we add to that or is that someone that we just call forward as the behavioral health issues are on the agenda?

Representative Schreiber-Beck: We had some of that discussion, but it was felt that the group wanted a behavioral health representative on there. Therefore, the committee moved forward and added that in.

Representative Owens: I've reminded the committee that everything we've done this session has involved a little bit of behavioral health, and this is not an issue that's going away. The focus used to be if you can teach a kid how to read, you can teach them anything, and now it's if you can get them to behave, you can teach them to read. With that focus, it seems that this is rapidly becoming an integral part of k12.

Chairman Davison: I agree. I would argue that the director of special education that's on the board could have a discussion in regards to some of the behavioral challenges. Then as you identify those challenges, you can bring whatever behavioral health representative you need. It may be a different person with a different type of expertise.

Representative Hager: When we were talking about behavioral health, I was thinking more of a school counselor. To me that is distinctively different from special education representatives.

Senator Oban: I think this discussion goes to Senator Davison's point in that by naming the exact person who would be sitting on this council full time whenever they meet rather than calling people in who may be appropriate to the conversation, it doesn't provide the kind of flexibility to have it be a school counselor, a behavioral health specialist or someone who might be better suited for specific agenda items. We were trying to make it as limited of a council as possible with the number of people on it, and there's merit in having someone there who specializes in behavioral health, but that is just one of the five initiatives on the state-wide vision as well. We don't have a reading specialist.

Representative Owens: I agree with Senator Oban on narrowing the committee because the larger the committee, the less consensus. The reason this was in here from the department of human services is we're talking about coordinating council for the entire state. Human services has been working to bring together all the components associated with behavioral health, identify all the resources around the state and bring them together. They're

building a plan not just to help education, but to help other venues across the state with behavioral health. That's why I agreed to this because they're becoming the center point for behavioral health in that aspect and would know all the different touchpoints around the state and bring it to the committee. That was my personal focus of including them.

(9:50) Chairman Davison: Will this coordinating council be able to adopt bylaws and conduct business? Will they be able to receive monies? There isn't any of that in there.

Representative Schreiber-Beck: Correct, that is not in there. Any of the directives is to the operations of that particular coordination council other than the executive director.

Chairman Davison: Does the conference committee think that's something we need to look into a little bit?

Senator Schaible: I believe in the DPI budget, there is some money in there for a position and a half designated for this.

Chairman Davison: How do they receive that money and determine a fiscal agent? If they happen to offer some state-wide training because they received a grant from the DPI, do they have the ability to receive money and do that whole process? Do we need to allow them to adopt bylaws to be able to receive those dollars? Do we see this organization growing?

Senator Schaible: It's going to be run through someone's budget or agency, perhaps career and tech or DPI. I'm not sure where it's going to end up because it's not completed yet.

Representative Schreiber-Beck: Because it's replacing and going into one of the administrative agencies, they're referencing various parts of code. It's replacing the educational technology, so I'm going to guess that that might be there.

Chairman Davison: I think it needs a little bit of research. We have different models set up. The education technology council was set up with a different model than how regional education associations were set up. Do you want to create another state organization where you're having to go through the state HR system and abide by all of the state rules in regards to employment? Is this organization going to be able to adopt its own bylaws, conduct its own business and form some kind of joint powers agreement eventually that has more flexibility and can stay out of the state system so that it can hire the people it needs in order to be flexible and grow in the way that we want it to be able to grow? These are the important things to discuss so we're not pigeonholed once we hire an executive director. Once we get into that state system, some of the frustrations that the current executive branch has is how to move people and be more agile in what they're doing because of the restrictions of the state HR system.

Representative Owens: We didn't talk about how it would hire because it's a board appointed by the governor, so therefore he's essentially hiring everybody. I assumed they would be hired under the state personnel office as far as this. I thought this was a coordination council to coordinate activities around the state, and they wouldn't have per say a budget of their own to direct things specifically. I thought they were coming together to coordinate between all the different entities in the state that are in our k12 system, find better solutions

and suggest best practices which would include the REAs, k12s, k8s, k5s, the rural areas, the cities and having the uniqueness of each school. This is to help coordinate so that we don't fund duplication. I'm confused by its growth and needing money to grow and build something.

Chairman Davison: It doesn't have to be anything more than what you just explained. I was suggesting that however you set this up is how you're going to limit what it can be, and if you want to limit what it can be, that's okay, we just need to make that decision. I want to make sure that we're philosophically on the same page as to what this could be.

Representative Owens: I do see one area being does this council have any real teeth? That's the only thing I see possibly missing out of it. If they come together and decide this is the best practice and should be implemented across the state, how do they do that if they don't have teeth?

Chairman Davison: One other topic is we don't require how often this organization meets. Do they meet quarterly or annually?

Senator Oban: In my mind, this informally happened over the last interim where these groups came together in an effort to start better communicating and identifying some of these possible gaps. There was a desire to make this more structured and more formal. The workforce development council is comparable. Do we micromanage to the point where we tell them how often they have to meet? We did a lot of work in the Senate trying to define what the council should be doing to try to give it a little bit more direction on what we're hoping for, and frankly, almost all of those were replicated from looking at the workforce development council in trying to translate that into how we better serve the needs in k12 education. Representative Schreiber-Beck, I know you're a member. Could you address this?

(19:30) Representative Schreiber-Beck: Yes. I am a member, and it's an extremely large group. We work on projects, so we meet at the call of who's in charge at the time. It's left up to the group per say, but there's some federal pieces that are enacted in that to the workforce development council. Here it's a little bit different. I think it was defined somewhat of what the expectations of the council are, and it's an ongoing event specific to what they want to look at. I'm under 28-32-01 looking at agencies. I think that we probably need to purview that before we make any decisions to change the bill at this time.

Senator Oban: The workforce development council came out with an incredible documentation that was meant to be a guide for future legislation. While they don't have teeth to necessarily enact certain things, they did a lot of the leg work that if we were full time legislatures, we would probably be doing to figure out the next best steps to take. That in my mind is what this is trying to replicate at the k12 level.

Senator Schaible: We need to look at a couple things. First of all is to follow the money where it's at and make sure it's there. We need to determine some basic, startup rules but allow enough flexibility so this organization can evolve into what it's meant to be. As we've been discussing bills over the session, it seems like there was a lot of ideas of things that should go there, and that needs to be worked out. I would suggest that we start out where the money and staff is and maybe setup some startup rules and leave it flexible enough so it

can evolve into what we need with the work of the interim study committee. I would imagine there'll be at least one education study group. I know there's one in 2265 for sure, so if we could hook that up somehow so that they're at least communicating with each other, I think that would at least give us a vehicle to get where we want to go.

Chairman Davison: I'm very supportive of this idea, and I think we're going down the right path. Page 3, line c says, "identify opportunities for increased collaboration among state education entities and stakeholders". If you've identified some professional development that you think needs to be done amongst the stakeholders, the question from the hire could be should that person be coordinating and running that professional development? If so, what are the costs to provide that professional development? How are they going to pay a vendor and collect money? That's where I was going with it. It wasn't necessarily that they would have to do it. That's not DPI's mission.

Senator Schaible: To your example, I think the intent is that they would discuss this as a council and suggest where it would come from, whether it was an REA or whatever service agency we had out there. I don't think this commission should be the one that gets into the weeds and does this; I think they just make sure that everybody's on the same page and we're not duplicating or missing an area of it. A comment we got was, "If you want us to talk to you, just tell us", but the other side is why should we have to tell service agencies to talk to each other? This would force that.

Chairman Davison: I agree with that, and that's how I see it happening as well. I just want to make sure that we're all talking about the same thing.

Representative Schreiber-Beck: I was looking at 28-32, and I think we need some interpretation whether we really want to operate under that. I'm in code looking at chapter 28-32. In version 4000, the section 4 amendment, this body replaced the educational technology council. That's in 28-32-01 which is the administrative agencies practices act. When you start detailing what that act is and some of the requirements, we might want to purview that unless someone can respond that that's already been done because they have rulemaking power.

Chairman Davison: That's a very good point.

Chairman Davison ends the subcommittee discussion on SB 2215.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
4/18/2019
34851 (27:21)

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

No Attachments.

Senator Davison called the conference committee for SB 2215 to order. **Representatives Owens, Schreiber-Beck, Hager; Senators Davison, Schaible and Oban were present.**

Senator Davison: We will call the conference committee for SB 2215 will come to order. Last time we met, we had some general discussion regarding the bill. We had some questions on the Senate side regarding reporting requirements, the ability to create rules and how that relationship between the board of public education and the members is going to work. We asked Dustin Assel to come forward to go through the bill to help us with the startup and make sure we get a solid foundation for the coordinating council off the ground.

Dustin Assel, Legislative Council: I am here to testify in a neutral capacity – I am neither for or opposed to this bill. I am looking at the 19.0584.04000 version of the bill. Section 1 creates a new section in 15.1-01 which is the chapter regarding the state board of public school education. Under this new section, we are creating the kindergarten through grade education coordination council. Subsection 1 of the section grants the authority of the state board of public school education to oversee the creation of and the ongoing operation of the coordination council. Subsection 2 talks about –

Senator Davison: I am going to stop you right away. Tell me what the word “oversee” means. In order for the coordinating council to hire somebody, create their own rules, to do anything, do they have to have approval? Do they need approval from the state board of public school education? Or, can they just create and adopt rules without that approval from that board?

Dustin Assel: Nothing in this section or the bill talks about approval. I will say that the state board of public school education does have the authority to adopt rules under 15.1-01 – I want to say it is section 3 of that chapter. They have general authority to create rules within

that chapter in and of itself, but nothing in this bill explicitly states that they have authority to adopt rules.

(3:44) **Senator Schaible:** Could you expand on that a little? As this is written, going forward with this coordinating council, it passes, and we get the members appointed. What happens? Do they themselves determine the rules and what they are going to do? How would you see this as written, how would it proceed?

Dustin Assel: Actually, as written, the council is listed in section 4 of the bill, which is 28-32 which is the administrative rules act – practice act, I don't remember exactly what the chapter is called, but that is actually the exemption list of who is not subject to admin rules. As written, listing the council under section 4 of the bill exempts the council from being subject to the administrative rules process. They can still create rules to govern internal processes of the council, but as long as the rules or the council's actions are not going to affect the public, they would be exempt from the admin rules process. Depending on what the intent of the committee or what the intent is with this bill, if the intent is in fact to exempt this council from administrative rules process, it is okay and correct list them in section 4 of the bill. Alternatively, if the intent is to subject the council to the admin rules, you would not want to list them in section 4 of the bill which is 28-32. Regardless, section 4 would probably stay in the bill to remove the reference to the ETC.

Senator Schaible: It exempts them from the admin rules process as written. Now, does the organized council or does the school board determine what their focus, mission and job description is or do they do that themselves?

Dustin Assel: I guess the focus, mission and what they do – that would be in subsection 7 of Section 1 which talks about the directives about what the council is going to do. That would be the only place I would look to dictate what they are doing and what their purpose is.

Senator Schaible: This might be jumping forward, but you have a position and a half in here with money appropriated for that, isn't there? No, that is in the Career and Tech budget. That is all that does, it has \$300,000 in there for a position and a half. Does the coordinating council itself determine that and the job description or would it be the board that would do that as it is written?

Dustin Assel: I guess, having not reviewed that bill, I don't know what I would be comfortable saying one way or another at this point without further review as to who would be making that determination.

Senator Schaible: And if we want that designated, we should probably write it?

Dustin Assel: The general rule is the more explicitly you can state something, the better probably. The less ambiguity you put in a bill and the more clarification there is it is always a good thing.

Representative Schreiber-Beck: I am following up on the same thing because it said "shall oversee the creation." It is, in my mind, already been created, so we probably really have to polish this language. Likely, 100%.

Senator Oban: But, it also says and ongoing operation, which to me indicates they could insert themselves almost whenever they want.

Senator Schaible: Could they contract this position? You do it as a trial basis and so, you want to just try somebody for two years and maybe you want to contract with somebody on a temporary basis. Is that clear in here?

Dustin Assel: The last part of your question – I don't know if it is clear, but I would defer to the statement that there is nothing in the bill prohibiting them from doing that. While it is unclear, there is nothing saying that they can't do that either.

(7:58) **Senator Davison:** I guess, Dustin, a couple things that had been brought up previously, is about the ability to solicit and receive money if they are doing something or if they are putting on an event or they do something. How much of that do we have to – do they have the ability to adopt bylaws and conduct business? That is kind of where we are going. It may not happen right away, but it may happen within two years – by the time we get back here.

(8:34) **Dustin Assel:** As I stated previously, even if they are exempt from the Admin rules process, they still have the ability to create rules to govern their internal processes. Admin rules are generally put in place if you are going to be enforcing something to members of the public or directing members of the public to do something. As I have read this, based on what the council is designed to do, it is not 100% clear, but it doesn't seem from what I can see in subsection 7 of section 1 that they have enforcement authority or the ability to direct the members of the public to do anything. They could still adopt rules to govern their internal processes even if they were exempt from – regardless of the Admin rules process. Subsection 2 talks about the membership of the council itself, talks about members of the legislative assembly and who is going to be appointing each one of those members, the governor, the governor's designee, superintendent of public instruction, president of the state board of CTE or their designee, the president of the board of NDCEL, president of ND United or their designee, the ND School Board Association, Small Organized Schools, some appointees from the governor. Subsection 3 of Section 1 goes on to talk about the term of office of members appointed. Subsection 4 discusses the council being able to select a presiding officer annually; subsection 5 discusses per diem rates if you are a member of the legislative assembly or a state employee. Subsection 6 talks about the council being able to hire an executive director and then subsection 7 talks about what the council is designed to do, what their powers and duties are going to be. That sums up section 1.

(10:56) **Senator Schaible:** On subsection 7, the council shall, I am fine with everything there, but as an example, we want this council to look at our K12 funding formula. It is not specifically listed in there, but, do we have to list everything in there that we want them to do?

Dustin Assel: You are correct; it is not listed in there. Whether or not that could fall within one of the subdivisions under that subsection I am not 100% sure, but as I stated before, more clarity if that is a duty you want them to have it couldn't hurt to add that in there as well.

Senator Schaible: Nothing in there would prohibit them from expanding those duties.

Dustin Assel: Right, there is nothing prohibiting them taking such action at this time. Section 2 of the bill talks about amending subsection 1 of 15.1-07-33. Each school district implementing the state student information system administered by the IT department. Section 3 discusses amending subsection 2 of that same section and allowing the state longitudinal data system to exempt a school district from having to implement the state student information system if they meet certain criteria. Section 4 goes on to discuss – what we discussed earlier about how listing the council in subsection 2 of section 28-32-01 would exempt the coordination council from the Admin rules process. It removes them from being subject to the definition of what an Administrative agency is, so if you want them to be subjected to Admin rules or not – that would come down to what you do in subsection 4. Subsection 5 just amends the state longitudinal data system committee and who the membership is of that committee and removes the director of the ND Educational Technology Council. Finally, section 6 repeals two sections of code in 54-59 dealing with the educational technology council. I believe it is dealing with the two sections are their membership and their powers and duties. That is what the bill is and does.

Senator Davison: Are there any questions for Dustin?

(13:33) **Representative Schreiber-Beck:** When we talked about section 4 and needing to eliminate the educational technology council, is it pertinent to add the K12 Education Coordination Council into that as an administrative agency? That is what is happening – correct?

Dustin Assel: Yes, that is correct. That goes back to what I was saying – it depends on the intent on what you want to do as written, you are replacing the ETC with this coordination council and you are exempting them from the Admin rules. If that is not what you intend, then they shouldn't be listed in section 4 of this bill. If you want them to be subject to Admin rules, they should not be in section 4 of the bill.

Senator Schaible: The coordination council would not be under Admin rules, but I am guessing that the board is?

Dustin Assel: I believe so, I didn't look at who is all exempt, but I believe the board is still –

(14:43) **Senator Schaible:** And the board oversees the coordination council, so I don't think we need to do it twice.

Senator Davison: Any additional questions for Dustin? As always, we appreciate your time.

Dustin Assel: Thank you very much Mr. Chairman.

(15:16) **Senator Davison:** Committee, let's see if we can put some framework around some things that we need to determine and move forward and ready for the next meeting that we are going to have on Monday afternoon. Senator Schaible, did you have something regarding the membership that you were interested in talking about?

Senator Schaible: I was looking at the makeup of the membership under subsection 2 a. The House changed that to four members. I guess I would be interested in putting that back to three members, but I would like to suggest that would be one from the majority of the Senate, one from the majority of the House and then one minority party from Legislative Management. That is what I would suggest.

Senator Davison: Is that consistent with how we have done it on other councils? How did you come up with that?

Senator Schaible: On all the bills I have seen this year, that is what I have seen – at least on the last couple that we have heard on the floor in the last few days. I think what the House was looking at, they can certainly can justify their thoughts, but it seems there were concerns about everybody being chosen from Legislative Management. I think that was a concern. That is what I have been noticing that it is the majority party of both houses chose one and then the minority of the one person is chosen by Legislative Management. I would suggest following that plan.

Representative Owens: Just to explain what we did, yes, you are correct, there is a consternation in the House about having Legislative Management select – instead of the leadership selecting members to organizations and study groups and what not. We changed it where the majority party of each party picks the two from the majority part and then we couldn't figure out how you were going to pick one between the Senate and House if we left it for the minority party from the Legislative Management and still thought that would give us some push back in the House. That is why we added a second member and allowed the minority member from each chamber. That was the thought process.

(18:11) **Senator Oban:** Would there be any appetite for allowing – for some sort of language about that the minority member is chosen by consensus by the minority party leadership? This is, essentially, the majority party picking all three people, because the head of Legislative Management is a majority party member.

Senator Schrieber-Beck: In the green language (from the Christmas tree version of the bill) starting on line 23 through 27, there are four members chosen. Two from the minority and two from the majority each selected by their own leadership.

Senator Oban: Correct, I was responding to what Senator Schaible's suggestion would be. His suggestion was; majority of the Senate picks their member, majority of the House picks their member, and that the chairman of Legislative Management chooses the minority member, which leaves absolutely no place for the minority who – I think you could much more – you would have less heartburn from members of the minority if you are going to take a member of the minority off to allow that minority member to be chosen by consensus by of the House and Senate minority leadership.

Senator Davison: We will bring those changes forward and if you don't like them you can vote differently on them. That is where we will get to at a point here in a little bit.

Representative Owens: Mr. Chairman, that sounds more than fair, but I just to let you know, we will let you know, we will discuss that.

(20:18) **Senator Schaible:** I did also on the membership on page 4, line 17, the subsection I – Behavior Health representative, I am thinking we might be able to find a better option for that. Senator Oban and I talked about several choices. A better choice for what we are trying to do.

Senator Oban: If I can just reference a bill that was passed by both the House and Senate and signed into law this session was the creation of the children's cabinet. Looking at the membership of that – there is quite a bit of duplication and we wouldn't want the member of the children's cabinet to be a legislative member either because there are plenty of legislators. Another thought would be these behavioral health resource coordinators which we created as a compromise on a bill. Another suggestion at the end of the meeting was maybe a member of the school counselor's association. Either of those last two options would at least be a person from the field who I think would have good input into the conversations.

Representative Owens: I was just going to say that the conversation that brought about that change in committee was that we did talk about counselors and we did talk about other options as Senator Oban has mentioned; the issue that came to the top was having somebody from behavioral health and DHS where they are gathering all the resources and they are currently in the process of pulling everything together rather than having then having a single point of view in any single location where the committee would have the benefit of knowing all the options available them. It was discussed whether to make them an ex officio member. That was discussed and we went with member rather than create a new class of membership.

Senator Davison: I think that is where we get down to some of the discussion on it. We are not trying to abstain anybody from being able to come and provide input based on what an agenda is. If the Medicaid funding for behavioral health stays in the Human Services budget, certainly those plans that the schools put together in regards to using some of those dollars would be of interest to the K12 coordinating council and it would make sense to have somebody – not that it would be Pam, but her depth and understanding of school behavior and health issues from Human Services certainly is always welcome and the debate is whether that should be as a member or as somebody that is invited to the meeting based on the agenda. I don't have one strong feeling one way or the other at the moment, but I think it is important that the topic is something we are engaged in.

Representative Hager: As a person trained in school counseling, and part of some of those associations, I really think that that aspect of the in-school person that is dealing with the children, the students, and their advanced training and stuff, so I would like to see that. When I was looking at that, that is kind of a hole that I was seeing in here encompassing all that we talked about all session about behavior health issues. My preference would be for somebody in the school system – in school counseling and from one of the boards or whatever.

(24:03) **Senator Davison:** We know we have to work through the membership piece. I think it will give us a couple of days to chew on that a little bit. With respect to people that might have a 3:30 conference, let's just go. We need to determine the administrativeS rules – a piece of it – how it sits now in section 4. I think – what did people hear from Dustin regarding – it sounds like if it wasn't in here, they have the ability to form and create any bylaws that they need.

(24:44) **Senator Schaible:** I think the intention of what we have written is what we are looking at. I think the coordination council can - once they are formed and seated - they can create rules for themselves. They are overseen by the board of education so that there is oversight that way. If they are not producing what we are looking for, there is oversight by the board. I think this is a work in progress. We will probably look at some changes in a couple of years. This gives them enough guidance to get going, but enough flexibility to adapt and to what we are trying to make it do.

(25:30) **Senator Davison:** Are there any other topics that we should dig into? Anything else?

Representative Owens: Reading through this, I just realized that at no point do we have this council provide any type of report to the legislature.

Senator Davison: Yes, I have that written down here, too. You are correct. We wrote it – it is eight on my list. Reporting requirement – number 5 on my list – thoughts on that?

Representative Owens: Just the fact that I think we should have one and it should include at a minimum their actions taken and any studies they did as a group and any recommendations coming out of that.

Senator Davison: You don't think that reporting back to the board of public school education is enough if they are in charge of overseeing it?

Representative Owens: Well, if that is the case, then, I would prefer that the report flow through them to us, because this is a brand new group, we are bringing all the educational leaders together in this group. I would like to hear – and we are talking about from the field – so I would like to hear, what was done, what was studied, -

Senator Davison: Point well taken, I agree with you, absolutely. I will try to incorporate that in there and see how that fits and we can visit on that. Anything else – I am going to adjourn the meeting – it is 3:30 and I think others have to get to another conference.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
4/22/2019
34912 (15:32)

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

Att. #1-Davison

Senator Davison called the conference committee for SB 2215 to order. **Representatives Owens, Schreiber-Beck, Hager; Senators Davison, Schaible and Oban were present.**

Senator Davison: See **Att. #1(19.0584.02007)**. We will call to order the conference committee on SB 2215. I handed out an amendment based on some of our discussion. I will attempt to go through it and welcome any redirection or direction. I'll start on with the amendment on page 3 line 23 dealing with the members of the committee. What it ends up being is we go from four to three. The majority party from each chamber of the legislative assembly selected by the respective majority leader of the chamber and one member of the minority party selected through collaboration between the respective minority leaders of each chamber. As we have gone through some of these amendments, we appreciate everybody trying to make sure we have what intend on the amendment. The next piece that we had was in regards to the members. On page four, line 13, an individual employed as a school counselor. The Senate had additional conversations and I guess, at this point in time, I believe we would be more comfortable that the president or the designee of the ND Board of the ND School Counselors Association would be appointed. It is an active group listed above instead of having the governor appoint someone.

Representative Owens: You are talking about page four line 17?

Senator Davison: Yes, we were removing a behavior health representative.

(3:45) **Representative Owens:** Yes, they can come and report what is going on. Like explained before, the House was interested in continuing that connection between the two. I was having a problem with an individual employed as a school counselor because I don't know I don't know if the counselor has the right – this counselor versus that counselor – who

has the right background or knowledge. But, what you just said, the president or designee of the-

Senator Davison: Of the Board of ND School Counselor Association.

Representative Owens: I think I would much rather do that personally than just a counselor where it could be somebody that hasn't connected all the dots yet.

Senator Davison: Yes, I will have it redone. There might be other things that we want in there. I don't expect to totally finish this one today. I would just like to get it as close as possible so we can finish it up tomorrow. Anything else on the school counselor piece?

Representative Schreiber-Beck: Just for clarity, for my own clarity because I am not familiar with that board, there are two different types of school counselors – correct? There are the vocational counselors – are they all in the same association? Just for my clarity.

Senator Davison: I think all school counselors have a career portion as part of their curriculum.

Representative Schreiber-Beck: Besides the social aspect?

Senator Davison: Besides the social aspect. It might not be as extensive, maybe, but there is-

Senator Oban: I am looking online at their (ND Counselor Association) right now and career counseling is just one part of the – yes – right.

Talking in the background – unintelligible.

(5:48) **Senator Davison:** The next piece is on page 5 where it talks about where the board shall – talking about what the council shall do. When we left here the other day, we hadn't talked about it and so, I took the lead in suggesting that need to meet at least four times a calendar year – at least to start with.

Senator Oban: I would ask that you put "at least" in there.

Senator Davison: Yes, that is right. I can do that. The second piece that was put in there was the council shall prepare and present an annual report of council activities to the Department of Public Instruction and to an interim committee designated by the Legislative Management.

Representative Owens: We discussed it here at the last meeting about them reporting. We didn't really – we talked about them reporting to the Legislative Management, this works as well. Department of Public Instruction finds out and the appropriate interim committee and we don't make it yet another report.

(7:33) **Senator Oban:** I would maybe just remove the reference to – oh, you are asking them to report their activities to Department of Public Instruction – even though Department of Public Instruction is at the table?

Senator Davison: I was just thinking that the board of public school education

Senator Oban: It would make more sense to the board – what you're –

Senator Davison: The state board of public school education shall oversee the creation and ongoing operation of the Kindergarten through grade 12 education coordination council. So, perhaps that isn't the right language.

Senator Oban: I would suggest replacing the Department of Public Instruction with the state board of public school education. If you want that report to go to them.

Senator Davison: Other thoughts on that?

Representative Schreiber-Beck: That would certainly make sense since they are the oversight board.

(9:19) **Senator Davison:** Any other thoughts on the reporting requirement? I made a note to myself to change the Department of Public Instruction to the state board of public school education. The other references were already – or based on some PowerSchool language –

Representative Schreiber-Beck: I think that that bill is the identical language to SB 2101 and that bill was signed by the governor and filed with the secretary of state 4/8/2019 and 4/9/2019, so I think we can remove sections 2 and 3 as long as we are still working on the bill. I have one other question. I wasn't sure when we left last time and Senator Schaible had inquired – Dustin was in here and – about the duties. I can't remember the response. Remember – do we have to have more clarity with the duties? Or is it not yet prohibitive from other duties – is that correct?

(10:36) **Senator Davison:** If I remember correctly, that they can through the administrative rules of the state board of public school education, they could – maybe that was it.

Representative Schreiber-Beck: I can't remember the final –

Senator Davison: Let me look here, I made some notes to myself. I thought we weren't doing that and I can't remember the exact – You were talking about spending and receiving dollars and writing bylaws and –

(11:06) **Representative Schreiber-Beck:** There was that, too, and then there is – we are looking actually at code and whether or not that needed to be included in there or not. Do we have to have a finite list or – it says others.

Senator Davison: I thought we thought they should be able to do that and it was okay based on – I have to make these other amendments so we can certainly –

Senator Schaible: Could you say that again – what they are going to do with the money?

Senator Davison: If they would – when we talked about – I thought last time Dustin was here, we talked about the whole process that I brought up about adopt bylaws, conduct business basically. I was trying to recall, and I think that was what Representative Schreiber-Beck was doing is trying to recall if we needed something in there or –

Chairman Schaible: The board of education is under admin laws, so we they don't need to do it. They are already bound. They can make their own rules and policies without going through the admin process. We don't need to worry too much about that. They can develop their own rules right now and do what they need to do. The board is under admin rules, so they are already covered under that. By that board overseeing them, that should be covered. We don't need to have them both do it.

Senator Davison: But, I can confirm that with Dustin again just to make sure that. I agree, that is what he said. And then, again, are we in agreement that we don't need the language for the PowerSchool. I can check that with Dustin. I don't remember asking to put that in there. That was an amendment from a previous –

Representative Schreiber-Beck: We had to have that in there because – I can't even remember why, but it was – it is identical to the bill and I have a copy right here.

Senator Davison: That passed.

Representative Schreiber-Beck: Right the bill passed and I looked it up just to make sure that it has been filed with the secretary of state on April 9th.

Senator Davison: So, why did we have it amended into there anyway? Just in case it didn't?

Representative Schreiber-Beck: I don't know, Senator Schaible and Representative Owens' bill. I don't know it is a 2000 number, I think that came out of the Senate. (Laughter)

Senator Davison: Alright, I will check on that, too about making sure we can take that out of there. So, conference committee, that is where this bill stands currently. Are there other things – I am going to check on the PowerSchool. I am going to check on the ability to conduct business. It is just I think I agree with Senator Schaible that that is just that I need to confirm with Dustin. I am going to add the state board of public education in there. I am going to move the – put at least in there four times. I am going to okay the school counselor and move that above and then remove sections two and three with the references to PowerSchool. That is what I have so far. We are set up to meet at 10:30 tomorrow.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2215
4/23/2019
34934 (6:53)

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of the kindergarten through grade twelve education coordination council; relating to the center for distance education, the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal A section relating to the educational technology council.

Minutes:

Att. #1 and #2-Davison

Senator Davison called the conference committee for SB 2215 to order. **Representatives Owens, Schreiber-Beck, Hager; Senators Davison, Schaible and Oban were present.**

Senator Davison: (See Att. #1 & #2) I brought forward the amendments. I have given each one of you an amendment and a Christmas tree version that we discussed yesterday. I am hoping that we are close, but again, we can come back if we need to do some other things. If you turn to page 3 on the Christmas tree version, that is the 3 members that was in there yesterday. Page four goes up and puts the president of the board of the ND School Counselor Association or the president's designee, page five "the council shall meet at least four times per calendar year and then line 27 number nine- "the council shall prepare and present an annual report of council activities to the state board of public school education and legislative management. I think those were the changes that were made from yesterday. Any thoughts or questions? We did remove the section on PowerSchool, too. That is why the bill looks a little shorter.

Senator Schaible: I would move that the House recede from its amendments and we further amend SB 2215.

Senator Oban: Second.

Roll Call Vote: 6 Yeas; 0 Nays; 0 Absent.

Motion Carries.

Senator Davison will carry the bill in the Senate. Representative Schreiber-Beck will carry the bill in the House.

April 22, 2019

SK 1301
4/2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

That the House recede from its amendments as printed on pages 1162 and 1163 of the Senate Journal and pages 1351 and 1352 of the House Journal and that Engrossed Senate Bill No. 2215 be amended as follows:

Page 1, line 3, remove "sections 15-19-02 and 15-19-06, subsection 1 of"

Page 1, line 4, remove "section 15.1-07-33,"

Page 1, line 5, remove "the center for distance education, the student"

Page 1, line 6, remove "information system,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber"

Page 4, line 4, remove "and"

Page 4, line 5, after "i." insert "The president of the board of the North Dakota school counselor association or the president's designee; and

i."

Page 5, after line 21 insert:

"8. The council shall meet at least four times per calendar year.

9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 5, remove lines 22 through 29

Renumber accordingly

Date: _____

Roll Call Vote #: _____

**2019 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2215 as (re) engrossed

Senate Education Committee

- Action Taken**
- ☐ **SENATE accede to House Amendments**
 - ☐ **SENATE accede to House Amendments and further amend**
 - ☐ **HOUSE recede from House amendments**
 - ☐ **HOUSE recede from House amendments and amend as follows**

 - ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: _____ Seconded by: _____

Senators	4-10	4-18	4-22	Yes	No		Representatives	4-10	4-18	4-22	Yes	No
Chairman Davison	X	X	X				Representative Owens	X	X	X		
Senator Schaible	X	X	X				Representative Schreiber-Beck	X	X	X		
Senator Oban	X	X	X				Representative Hager	X	X	X		
Total Senate Vote							Total Rep. Vote					

Vote Count Yes: _____ No: _____ Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-23-19Roll Call Vote #: #1

2019 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2215 as (re) engrossed

Senate Education Committee

- Action Taken**
- ☐ SENATE accede to House Amendments
- ☐ SENATE accede to House Amendments and further amend
- ☐ HOUSE recede from House amendments
- ☒ HOUSE recede from House amendments and amend as follows
- ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Schaible Seconded by: Sen. Oban

Senators	<u>4-23</u>			Yes	No		Representatives	<u>4-23</u>			Yes	No
Chairman Davison	✓			✓			Representative Owens	✓			✓	
Senator Schaible	✓			✓			Representative Schreiber-Beck	✓			✓	
Senator Oban	✓			✓			Representative Hager	✓			✓	
Total Senate Vote							Total Rep. Vote					

Vote Count Yes: 6 No: 0 Absent: 0Senate Carrier Davison House Carrier Rep Schreiber - BeckLC Number 19.0584 02008 of amendmentLC Number 19.0584 05000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.0584.02008
Senate Carrier: Davison
House Carrier: Schreiber-Beck

REPORT OF CONFERENCE COMMITTEE

SB 2215, as engrossed: Your conference committee (Sens. Davison, Schaible, Oban and Reps. Owens, Schreiber-Beck, Hager) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1162-1163, adopt amendments as follows, and place SB 2215 on the Seventh order:

That the House recede from its amendments as printed on pages 1162 and 1163 of the Senate Journal and pages 1351 and 1352 of the House Journal and that Engrossed Senate Bill No. 2215 be amended as follows:

Page 1, line 3, remove "sections 15-19-02 and 15-19-06, subsection 1 of"

Page 1, line 4, remove "section 15.1-07-33,"

Page 1, line 5, remove "the center for distance education, the student"

Page 1, line 6, remove "information system,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber"

Page 4, line 4, remove "and"

Page 4, line 5, after "i." insert "The president of the board of the North Dakota school counselor association or the president's designee; and"

i."

Page 5, after line 21 insert:

"8. The council shall meet at least four times per calendar year."

9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 5, remove lines 22 through 29

Renumber accordingly

Engrossed SB 2215 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

SB 2215



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Donald Schaible

District 31
9115 Highway 21
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COMMITTEE:

Education, Chair:
Energy and Natural Resources

Senate Bill 2215 – Creation of K12 Coordination Council.

During this past interim session, one of the key topics of conversation was the overall governance of K12 Education. Many groups discussed this in a variety of venues. After some time, the Governor's office established a taskforce to dig into this issue and to ensure that as many voices as possible could be heard and that there could be a solid recommendation for future governance of K12 Education and/or any improvements that could be made.

The makeup of this committee included: The Governor's office (Levi Bachmeier moderated the year-long effort), NDDPI/State Superintendent Kirsten Baesler, Center for Technical Education Director Wade Sick, House Education Committee Chair Mark Owens, House Education Committee Vice Chair Cindy Schreiber-Beck, Senate Education Committee Chair – Don Schaible, Senate Education Policy Interim Committee Chair Erin Oban, NDCEL Director, NDUnited Director, REA Director, CDE Director, NDSBA Director, CTE Board Chair, ETC Council Chair, NDSOS Director, EduTech/ETC Director, ESPB Director.

After a year of meetings, a solid recommendation existed and came out of this workgroup and the recommendation lies within this bill. The development of a group called the K12 Coordination Council lies before you today. Why create a coordination council like this? Is it needed? In short, the answer is YES! I will cite a few examples for you. Earlier this week we heard the bill sponsored by Senator Davison that discussed the Medicaid billing option provided by SEEC. This would likely be a great option for all sectors in the state, however, there is a struggle to get some of the other REA's involved. It has happened on other occasions where there is collaboration among some of the REA's but not all on great concepts which ends up resulting in districts that can advance and others that are left behind on the basis of what their REA is willing to do. We see this happen quite often and we've seen this division occur since the Succeed 2020 grant – we need to find a modality to ensure and assist in the collaboration. Further, the field continues to share that they are on initiative overload. This goes far beyond REA's. Great ideas spring up all over the state. Once the idea is heard of there often gets to be momentum to try to get the whole state involved without getting all the input needed. This council would allow for an opportunity to vet concepts, ideas, and encourage collaboration of the best concepts and help to create a plan that could bring us closer to a statewide implementation.

This council could also help provide better collaboration and communication among state agencies. This would be a way to create collaboration and force collaboration if needed between NDDPI, NDCTE, REA's, all those who deliver PD, those who represent groups, and those who need to implement concepts, etc. The conversations about what the education arena can do that is new, and maybe what needs to stop can be discussed. When all parties come to the table together along with the field who needs to implement the best ideas, good decisions can be made.

Several years ago, there was a similar mechanism in place called the Governor's Commission on Education. From that group came some of the greatest education reform our state has seen in the area of school funding and some policy shifts. Having an ongoing mechanism like that in place

(rather than just for a short time) can create a collaboration environment that will ultimately create positive results for students, whether it is regarding policy or funding.

As presented, this K12 Coordination Council would exist to assist our state in a number of different ways in relation to K12 education. The primary responsibility would be to coordinate collaboration between the K12 education entities in the state and to support elementary and secondary education.

- * As the develop this group would conduct a continuing study of the effectiveness and efficiency of the elementary and secondary education system in the state.
- * Coordinate communication among elementary and secondary education entities
- * Support innovate education practices
- * Develop and utilize advisory committees as needed
- * Provide recommendations to all elementary and secondary education entities and the legislative assembly.

I will now walk you through sections of the bill.

Section 1 & Section 2:

- * As you recall in SB2216 that was heard earlier the intent is to shift the Center for Distance Education from the Education Technology Council with regard to reporting structure to the state board for Career and Technical Education.
- * With that shift, this bill would then redact the Education Technology Council from Century Code shifting its duties to the CTE Board
- * Language clarification is needed to mirror language from 2216 to 2215.

Section 3:

* This section is new and is added to essentially replace the ETC with the new K12 Coordination Council – thereby we are not adding new layers of government.

* The K12 Coordination Council will be given operational oversight by the State Board for the Center for Distance Education – their budget will flow through the CTE Budget.

* The membership on this board based on the strong recommendation of the convening task force are listed in this section as well.

* This section also manages how the council functions such as:

- o Presiding officer shifts annually,

- o Per-diem compensation allowed.

- o Charges of the council.

Sections 4, 5, & 6

* Cleans up areas of code that include the ETC and when appropriate that council is replaced by the K12 Coordination Council



SB 2215
1-23-19
A# #2
p1 of 2

SB 2215 – K12 Coordination Council – Testimony in Support NDCEL

Dear Chair Schaible and members of the Senate Education Committee. I come here today representing NDCEL in support of the concept in place in SB 2215.

Several years ago, under Governor Jack Dalrymple, there was a group formulated to attempt to resolve issues that stemmed from a school-funding model that was determined to be inequitable. The group that came together grappled with school funding and a large variety of K12 policy pieces in relation to the ND legislature and Century Code. As this group worked together, concepts were vetted, collaboration took place, and ultimately 27 pieces of legislation were recommended. One of the key pieces of legislation was the early version of the school funding bill that we work with today getting us closer to equity in funding than our state had experienced previously. Unfortunately, after that time working together, the commission was disbanded and educators as well as some legislators have yearned for the days when the commission was in place to grapple with difficult issues, to come together and gently or forcefully bring collaboration (whatever was needed), to vet concepts and ensure our students have the best chance at success.

During the most recent interim session, the ND Governor Doug Burgum called together a taskforce to discuss K12 governance and to find a more effective and efficient structure for K12 education. After many meetings and intense collaboration, a recommendation came forward to recreate a model much like the one that was in place in the past and to anchor that highly functioning group that existed previously into law – providing an ongoing mechanism to ensure collaboration and to help drive us onward on our mission of the best possible opportunity for students.



Coordination

This newly create K12 ~~Collaboration~~ Council as the bill indicates now would have the same representatives that were in the original commission and was expanded to bring some voices to the table that were determined would greatly enhance the conversation. Enacted, this collaboration council could grapple with a myriad of issues and have the opportunity to offer thoughtful recommendations about what can and should be done for the benefit of students.

Through creativity – this organization would create no new levels of government nor would it cost the state any further investment but rather a re-allocation of funds.

NDCEL participated in the past commission representing school leaders and our organization would be excited to sit at the table once again collaborating and finding ways that we can better serve the students of North Dakota. We strongly recommend a DO PAS of SB 2215.



North Dakota Small Organized Schools

SB 2215
1-23-15
Att #3
p. 1 of 1

Mr. ElRoy Burkle
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January 18, 2019

Chairman Schaible and Members of the ND Senate Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools.

On behalf of our 150 members, I would like to express our sincere appreciation for inviting us to the table the past two years. The discussions have been informative, enlightening and clearly productive. NDSOS goes on record of supporting SB 2215 – creation of a k12 coordination council – and recommend a ‘do pass’.

What an opportunity! SB 2215 provides an opportunity to bring educational leaders from all spectrums of the North Dakota educational landscape together to continue dialogues in studying the effectiveness and efficiency of elementary and secondary education; coordinate communication among education entities; support innovation education practices; develop and utilize advisory committees and, ultimately, provide recommendations to both the education entities and the legislative assembly. The foundation is in place with stakeholders ready to continue with the process.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director

ND Small Organized Schools

1419 9th Ave NE

Jamestown, ND 58401

Cell: 701-230-1973 Email eburklendsos@gmail.com

Revised January 18, 2019

File: SB 2215 k12 Coordination Council 19.0584.01000

Board of Directors

Region 1

Mr. Tim Holte, Supt. Stanley
Mr. John Gruenberg, Supt. Powers Lake

Region 2

Mr. Jeff Hagler, Supt. North Star
Mr. Steven Heim, Anamoose & Drake

Region 3

Mr. Frank Schill, Supt. Edmore
Mr. Dean Ralston, Supt. Drayton

Region 4

Mr. Kelly Koppinger, Supt. New England
Mr. Jim Gross, Supt. Selfridge

Region 5

Mr. Joel Lemer, Bd. Member Carrington
Mr. Brandt Dick, Supt. Underwood

Region 6

Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

Mandan Public School District

District Offices

SB 2215

1-23-19

Att. # 4

P 1 of 1

Wednesday, January 23, 2019

Testimony to Senate Education Committee – In Support of SB 2215

Chairman Schaible and Senate Education Committee Members my name is Jeff Fastnacht. I am the Asst Superintendent at Mandan Public School. I am also the Chair of the Education Technology Council, a member of the ND CTE Board and State Board of Public Education.

I stand in support of this bill personally and also representing the ND ETC. The need to work together, coordinate, and be efficient are not new ideas. The ND ETC, before the last legislative session, was already working to find ways to expand the ETC. At that time, to ensure we were working in partnership with other education agencies we discussed expanding our membership. However, that desire was derailed by the cuts at the state level which resulted in the ND ETC losing one position which ended up being the old EduTech Director position. So instead of moving forward, the ETC at that time abruptly had to refocus on survival and hiring a new director.

To help you understand the need for collaboration I am going to share a concern that we had in 2016. We were discussing the roll out of the NDSA and how DPI, EduTech, REAs, and schools worked together to successfully rollout the new NDSA in 2013. We were less discussing how it rolled out successfully but how it failed. It was our belief that if we only communicated better and planned better we could have negotiated some of the bumps better. Since that time this concept has blossomed into what we are calling the Coordination Council.

Earlier today Senator Oban asked how we can ensure this council does anything. How can you ensure accountability? Let me ask you how could you ensure accountability with the ETC? I agree with Senator Schaible that if we get the right people in a room and ask them to work together, we will do great things. The people in this room now, that have a passion for education, are already working to make it better. We just need to give them a mechanism to work better together. A mechanism to force them out of their silos. A mechanism to ensure that we are efficient and not duplicative. A mechanism to make our ND system of education better.

I would gladly stand for any questions at this time.

Senate Education

SB 2215

Department of Career and Technical Education

January 23, 2019

Chairman Schaible and Members of the Senate Education Committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am here to testify in support of SB 2215. SB 2215 will take the current Education Technology Council and transition it to become a K12 Education Coordination Council.

During the summer of 2018, the state agencies and education stakeholders participated in meetings held by the Governor's Office with the intent to review the North Dakota K12 Governance structure. I believe the intent of these meetings were to determine if K12 Governance was inefficient or cumbersome, making it difficult for local school leaders to navigate. There are many entities involved in K12 Education, whether that is CTE, DPI, CDE, REAs, Special Education Units, etc. What I believe the committee did learn is that governance may not be the issue. The issue was a need for improved communication, relationship building and collaboration among these different but important entities. The committee felt this could be addressed by the development of a K12 Coordination Council.

This Coordination Council would consist of the same entities that met during the summer of 2018. The list of required members is included in SB 2215. For the K12 agencies to do a better job, direct feedback from the field is key and from across all entities involved. Some may argue that the group may be too large to function effectively, but I believe we need to be inclusive, so all student and school needs can be met. I refer to the North Dakota Workforce Development Council. This is a council, primarily appointed by the Governor, representing both public and private sectors, with membership exceeding thirty individuals from across the state and industries. This is an effective group and so can the K12 Coordination Council.

There are edits that need to be made in SB 2215. For example, page 1, 2 and lines 1-13 should be deleted. This language is address in SB 2216 and involves the transition

of CDE from ITD to the Department of CTE. Secondly, it is unclear where the budget to support this Coordination Council is housed. The bill provides the authority of the Council to hire an executive director and conduct studies on the effectiveness of our K12 education system. This will need to be determined for the Council to function.

Although there is work to be done on SB 2215, I believe it is the step in the right direction to ensure all education entities are heard and valued and collaboration opportunities will arise.

This concludes my testimony and would be happy to answer any questions the committee may have.

Sub. Comm WK SB2215
11:00 1-29-19
Att #1
1 of 3

CHAPTER 15.1-09.1
REGIONAL EDUCATION ASSOCIATIONS

15.1-09.1-01. Definition.

For purposes of this chapter, "regional education association" means a group of school districts that have entered a joint powers agreement that has been reviewed by the superintendent of public instruction and verified as meeting the requirements of section 15.1-09.1-02.

15.1-09.1-02. Regional education associations - Review by superintendent of public instruction - Criteria.

In order for a group of school districts to be designated as a regional education association, the superintendent of public instruction shall review the joint powers agreement that the districts have entered and verify that the requirements of this section have been met.

1. The school districts must:
 - a. Have a combined total land mass of at least five thousand eight hundred square miles [1502193 hectares];
 - b. (1) Have a combined total land mass of at least four thousand five hundred square miles [1165494 hectares]; and
(2) Number at least twelve;
 - c. (1) Have a combined total land mass of at least four thousand square miles [1035995 hectares]; and
(2) Have at least three thousand students in average daily membership; or
 - d. (1) Have a combined total land mass of at least one thousand five hundred square miles [388498 hectares]; and
(2) Have at least seven thousand five hundred students in average daily membership.
2. The school districts must be contiguous to each other or, if the districts are not contiguous to each other, the superintendent of public instruction shall verify that the participating districts can provide sound educational opportunities to their students in a fiscally responsible manner without injuring other school districts or regional education associations and without negatively impacting the ability of other school districts or regional education associations to provide sound educational opportunities to their students in a fiscally responsible manner. A decision by the superintendent of public instruction under this subsection may be appealed to the state board of public school education. A decision by the state board is final.
3. The joint powers agreement must require that the participating school districts maintain a joint operating fund.
4. The joint powers agreement must provide:
 - a. Criteria for the future participation of school districts that were not parties to the original joint powers agreement;
 - b. An application process by which school districts that were not parties to the original joint powers agreement can become participating districts; and
 - c. A process by which school districts that were not parties to the original joint powers agreement and whose application to participate in the agreement was denied can appeal the decision to the superintendent of public instruction.
5. The joint powers agreement must provide for the employment and compensation of staff.
6. The joint powers agreement must:
 - a. Establish the number of members on the governing board;
 - b. Establish the manner in which members of the governing board are determined;
 - c. Require that each member of the governing board be an individual currently serving on the board of a participating school district or the designee of a participating school district's board; and
 - d. Allow for the inclusion of ex officio nonvoting members on the governing board.

7. The joint powers agreement must provide that the board of the regional education association shall meet at least quarterly.
8. The joint powers agreement may not permit the regional education association to compensate members of the regional education association board for attending meetings of the board and does not permit the regional education association to reimburse members of the board for any expenses incurred in attending meetings of the board.

15.1-09.1-02.1. Regional education association - Services to be offered.

1. In order to be eligible for state funding, a regional education association must offer the following services to its member districts:
 - a. Coordination and facilitation of professional development activities for teachers and administrators employed by its member districts;
 - b. Supplementation of technology support services;
 - c. Assistance with achieving school improvement goals identified by the superintendent of public instruction;
 - d. Assistance with the collection, analysis, and interpretation of student achievement data; and
 - e. Assistance with the expansion and enrichment of curricular offerings.
2. Subsection 1 does not preclude a regional education association from offering additional services to its member districts.

15.1-09.1-02.2. Regional education association - Review process.

In order to be eligible for state funding, a regional education association shall participate in and meet the requirements of a review process that is:

1. Designed to raise the quality of services offered by a regional education association to its members, in accordance with this chapter, through a continuous cycle of improvement; and
2. Approved by the superintendent of public instruction.

15.1-09.1-03. Regional education association - Provision of special education and related services - Annual plan.

A regional education association may prepare an annual plan regarding the provision of special education and related services on behalf of its members and submit the plan to the superintendent of public instruction for approval.

15.1-09.1-04. Regional education association - Provision of special education and related services - Powers.

A regional education association that provides special education and related services may:

1. Receive and expend state and federal moneys for the provision of special education and related services to the students of its member districts;
2. Employ personnel necessary to carry out administrative services, itinerant instruction, coordinative services, and related services; and
3. Receive and expend private and public moneys.

15.1-09.1-05. Regional education association - Provision of special education and related services - Student transportation - Coordination.

A regional education association shall plan and coordinate the transportation of students who are enrolled in its member districts and to whom it provides special education and related services.

15.1-09.1-06. Regional education associations - Receipt and use of moneys.

The board of a regional education association may receive and expend moneys for the provision of administrative functions, student services, and any other lawful activities.

15.1-09.1-07. Joint operating fund - Accounting functions.

The board of a regional education association may contract with any person, including a school district, for the maintenance of the association's joint operating fund and for the performance of any business or accounting functions required by law or necessary for the association's operation.

15.1-09.1-08. Regional education association - Report of expenses.

1. The board of a regional education association shall submit annually to the superintendent of public instruction, at the time and in the manner designated by the superintendent, a report detailing all expenses incurred by the association and shall attribute the expenses on a per student basis by participating school district.
2. The board shall deposit any moneys received by or on behalf of the regional education association into the association's joint operating fund.

15.1-09.1-09. Compensation - Reimbursement - Extraordinary service.

The board of a regional education association may provide compensation and reimbursement to any board member who, at the direction of the board, performs extraordinary service on behalf of the board. For purposes of this section, "extraordinary service" means duties beyond those reasonably expected of members of the board and includes travel to and attendance at national meetings or conventions.

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

The superintendent of public instruction shall forward the portion of a school district's state aid which is payable by the superintendent under subdivision I of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this section at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01, unless otherwise directed in accordance with section 15.1-09.1-12.

15.1-09.1-11. Rights of employees.

Any individual employed by the board of a regional education association has the same statutory rights as those accorded to an individual employed by a public school district for the same purpose.

15.1-09.1-12. Regional education association - Audit.

To be eligible for state funding, a regional education association must be audited, at least once every two years, by a certified public accountant or a licensed public accountant. The audit must be presented to the state board of public school education. If any irregularities are noted, the state board of public school education may direct the superintendent of public instruction to withhold all payments to a regional education association until the board determines the irregularities have been addressed.



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Workforce Development Council

North Dakota Workforce Development Council was authorized July 21, 2017 under Executive Order 2017-10. The Governor designated the Council as the state's workforce innovation and opportunity board in accordance with Section 101(e) of the Workforce Innovation and Opportunity Act of 2014 (WIOA).

The purpose of the Workforce Innovation and Opportunity Act is to provide workforce innovation and opportunity activities, through statewide and local workforce innovation and opportunity systems, that increase the employment retention, and earnings of participants, and increase the occupational skills attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

The role of the North Dakota Workforce Development Council is to advise the Governor and the public concerning the nature and extent of workforce development in the context of North Dakota's economic development needs, and how to meet these needs effectively while maximizing the efficient use of available resources and avoiding unnecessary duplication of effort.

The Council's responsibilities to the Governor include:

- Develop in conjunction with our state's business and industry sector the Workforce Innovation and Opportunity Act Unified plan
- Identify the workforce needs of the state and recommend steps for meeting those needs
- Establish goals for the development and coordination of the education, employment, and training systems in the state
- Evaluate progress toward meeting the goals and strategies identified
- Recommend new policy directions or legislation proposed at the state or federal level, and determine opportunities for North Dakota as the result of those initiatives
- Identify opportunities for collaboration with economic development and workforce initiatives
- Perform duties of state and local workforce development boards as specified in the Workforce Innovation and Opportunity Act
- Establish the one-stop delivery system to provide businesses and workers with seamless access to workforce services
- Perform any function identified by the Governor
- Advise the Governor concerning the implementation of the state's Workforce Innovation and Opportunity Act Unified Plan and its adaptation to changing economic conditions in the state, to ensure the ongoing application of a strategic approach to effective, coordinated workforce and economic development in North Dakota
- Review the workforce development system and how the system creates collaboration between students, educators and employers in North Dakota and shall make recommendations toward ensuring their effectiveness and coordination

Membership Roster

Meetings

Committees

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2215

- Page 1, line 15, after the first "of" insert "the center for distance education"
- Page 1, line 15, overstrike "supervision" and insert immediately thereafter "authority"
- Page 1, line 16, remove "state board for career and"
- Page 1, line 17, remove "technical education"
- Page 1, line 17, overstrike "shall" and insert immediately thereafter "director of the department of career and technical education may"
- Page 1, line 17, overstrike "a state director of" and insert immediately thereafter "administration and staff for"
- Page 1, line 18, overstrike "director" and insert immediately thereafter "administration"
- Page 1, line 18, overstrike "the director's" and insert immediately thereafter "its"
- Page 1, line 19, overstrike "the administration of" and insert immediately thereafter "administering"
- Page 1, line 20, after "education" insert ", under the supervision of the director of the department of career and technical education and in compliance with requirements established by the superintendent of public instruction and the education standards and practices board. The state board for career and technical education shall administer the responsibilities of the board of a school district relating to the center for distance education"
- Page 2, line 9, remove "presiding officer or executive director of the kindergarten"
- Page 2, line 10, remove "through grade twelve education coordination"
- Page 2, line 10, overstrike "council" and insert immediately thereafter "director of the department of career and technical education"
- Page 2, line 12, overstrike "The state treasurer shall make periodic transfers upon order"
- Page 2, overstrike lines 13 through 15
- Page 2, line 16, overstrike "The"
- Page 2, line 16, remove "kindergarten through grade twelve education coordination"
- Page 2, overstrike lines 17 through 22
- Page 2, line 23, remove "kindergarten through grade twelve education coordination"
- Page 2, overstrike lines 24 through 30
- Page 3, line 1, overstrike "3."
- Page 3, line 1, remove "kindergarten through grade twelve education coordination"
- Page 3, line 2, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 6, overstrike "council" and insert immediately thereafter "board"

Page 3, line 7, overstrike "council" and insert immediately thereafter "board"

Page 3, line 9, overstrike "state director of the"

Page 3, line 11, remove "kindergarten through grade twelve"

Page 3, line 12, remove "education coordination"

Page 3, line 12, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 19, remove "The kindergarten through grade twelve education coordination council shall coordinate"

Page 3, remove lines 20 and 21

Page 3, line 22, remove "3."

Page 3, line 22, remove "kindergarten through grade twelve education coordination"

Page 3, line 23, replace "Two" with "Three"

Page 3, line 23, after "assembly" insert ", one of which must be a member of the minority party."

Page 3, line 27, replace "director" with "president"

Page 3, line 27, replace "department of" with "state board for"

Page 3, line 27, replace "director's" with "president's"

Page 3, line 29, replace "executive director" with "president of the board"

Page 3, line 30, replace "director's" with "president's"

Page 4, line 1, remove "The executive director of the education standards and practices board or the"

Page 4, remove line 2

Page 4, line 3, remove "g."

Page 4, line 3, replace "director" with "president of the board"

Page 4, line 3, replace "director's" with "president's"

Page 4, line 4, replace "h." with "g."

Page 4, line 4, replace "director" with "president of the board"

Page 4, line 4, replace "director's" with "president's"

Page 4, line 6, replace "i." with "h."

Page 4, line 6, replace "director" with "president of the board"

Page 4, line 6, replace "director's" with "president's"

Page 4, line 8, replace "j." with "i."

Page 4, line 8, replace "based upon recommendations made by" with an underscored colon

Page 4, replace lines 9 through 21 with:

- "(1) An individual representing the statewide longitudinal data system committee;
- (2) An individual representing a tribal school;
- (3) An individual employed as a public school administrator;
- (4) An individual employed as a public school principal;
- (5) An individual employed as a public school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association."

Page 4, line 22, replace "4." with "3."

Page 4, line 25, replace "5." with "4."

Page 4, line 26, replace "6." with "5."

Page 5, line 5, replace "7." with "6."

Page 5, line 5, remove the colon

Page 5, line 6, replace "a. Hire" with "hire"

Page 5, replace lines 7 through 13 with:

"7. The council shall:

- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
- b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
- d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
- e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
- f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
- g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
- h. Develop and utilize subcommittees as needed.

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- i. Seek advice and input from interested parties not appointed to the council as needed."

Renumber accordingly

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of
4 section 15.1-07-33, subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of
5 the North Dakota Century Code, relating to the center for distance education, the student
6 information system, the definition of administrative agency, and the statewide longitudinal data
7 system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century
8 Code, relating to the educational technology council.

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

10 **SECTION 1. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15-19-02. Administration - Director of center for distance education - Appointment**
13 **and duties.**

14 The program of and all activities related to the center for distance education are the
15 responsibility of the center for distance education and under the supervision authority of the
16 educational technology council state board for career and technical education. The educational
17 technology council ~~state board for career and technical education shall~~ director of the department
18 of career and technical education may hire a state director of administration and staff for the
19 center for distance education who must be classified under the state personnel merit system.
20 The director ~~administration~~ shall carry out the director's ~~sits~~ responsibilities in the administration
21 ~~of administering~~ the center for distance education in the manner approved by the educational
22 technology council state board for career and technical education, under the supervision of the
23 director of the department of career and technical education and in compliance with
24 requirements established by the superintendent of public instruction and the education

standards and practices board. The state board for career and technical education shall administer the responsibilities of the board of a school district relating to the center for distance education.

SECTION 2. AMENDMENT. Section 15-19-06 of the North Dakota Century Code is amended and reenacted as follows:

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

1. A special operating fund for the center for distance education must be maintained within the state treasury and all income and fees collected by the center for distance education from any source must be remitted monthly by the director to the state treasurer and credited to the special operating fund. All expenditures from the fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the ~~technology director appointed by the educational technology~~ presiding officer or executive director of the kindergarten through grade twelve education coordination council director of the department of career and technical education. Upon approval of the vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. ~~The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the center for distance education general fund appropriation to the special operating fund whenever its balance falls so low as to require supplementation.~~
2. ~~The educational technology kindergarten through grade twelve education coordination council may establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the center for distance education. The administrative operational fund must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the center for distance education for the payment of necessary expenses in the administration and operation of the center for distance education within the limits and rules prescribed by the educational technology kindergarten through grade twelve education coordination council. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the council in accordance with the rules~~

adopted by the council, and thereafter the council may periodically authorize additional transfers to the administrative operational fund, but the balance in the fund may never exceed ten thousand dollars, and any unencumbered balance at the end of any biennium must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director.

3. The ~~educational technology kindergarten through grade twelve education coordination council~~ state board for career and technical education may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance education. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the council or the center for distance education as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the ~~council~~ board or center for distance education which is designated by the ~~council~~ board and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The ~~state director of the~~ center for distance education may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the ~~educational technology kindergarten through grade twelve education coordination council~~ state board for career and technical education. The interest earned by the scholarship fund is appropriated to the center for distance education.

SECTION 3. A new section to chapter 15.1-01 of the North Dakota Century Code is created and enacted as follows:

Kindergarten through grade twelve education coordination council.

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. ~~The kindergarten through grade twelve education coordination council shall coordinate collaboration between the elementary and secondary educational entities in the state to support elementary and secondary education.~~
3. The ~~kindergarten through grade twelve education coordination council~~ consists of:
 - a. ~~Two~~ Three members of the legislative assembly, one of which must be a member of the minority party, selected by the legislative management;
 - b. The governor or the governor's designee;

c. The superintendent of public instruction or the superintendent's designee;

d. The ~~director~~president of the ~~department of state board for~~ career and technical education or the ~~director's~~president's designee;

e. The ~~executive director~~president of the board of the North Dakota council of educational leaders or the ~~director's~~president's designee;

f. ~~The executive director of the education standards and practices board or the director's designee;~~

~~g.~~ The ~~director~~president of the board of North Dakota united or the ~~director's~~president's designee;

~~h.g.~~ The ~~director~~president of the board of the North Dakota school boards association or the ~~director's~~president's designee;

~~i.h.~~ The ~~director~~president of the board of the North Dakota small organized schools or the ~~director's~~president's designee; and

~~i.i.~~ The following gubernatorial appointees ~~based upon recommendations made by:~~ the appropriate group:

~~(1) An individual representing the information technology department;~~

~~(2) An individual representing a tribal school;~~

~~(3) An individual representing the North Dakota university system;~~

~~(4) An individual representing the North Dakota association of school administrators;~~

~~(5) An individual representing the North Dakota association of secondary school principals;~~

~~(6) An individual representing the North Dakota association of elementary school principals;~~

~~(7) An individual representing the North Dakota special education study council~~

~~(8) An individual representing the regional education associations; and~~

~~(9) An individual representing the center for distance education.~~

(1) An individual representing the statewide longitudinal data system committee;

(2) An individual representing a tribal school;

(3) An individual employed as a public school administrator;

1 (4) An individual employed as a public school principal;

2 (5) An individual employed as a public school teacher;

3 (6) A director of a special education unit; and

4 (7) A director of a regional education association.

5 4.3. The term of office for a member appointed by the governor is four years. The governor
6 may stagger the initial appointments to the council so no more than three members'
7 terms expire in any year.

8 5.4. The council shall select a presiding officer annually from among its members.

9 6.5. A member of the council who is a member of the legislative assembly is entitled to
10 receive per diem compensation at the rate provided under section 54-35-10 for each
11 day performing official duties of the council and to reimbursement for travel and
12 expenses as provided by law, to be paid by the legislative council. A member of the
13 council who is not a state employee is entitled to receive as compensation sixty-two
14 dollars and fifty cents per day and to reimbursement of expenses as provided by law
15 for state officers while attending meetings of the council, to be paid by the state board
16 of public school education. A state employee who is a member of the council is entitled
17 to receive that employee's regular salary and is entitled to reimbursement for mileage
18 and expenses, to be paid by the employing agency.

19 7.6. The council may:

20 a. Hire hire an executive director.

21 b. Conduct a continuing study of the effectiveness and efficiency of the elementary
22 and secondary education system in the state.

23 c. Coordinate communication among elementary and secondary education entities.

24 d. Support innovative education practices.

25 e. Develop and utilize advisory committees as needed.

26 f. Provide recommendations to all elementary and secondary education entities
27 and the legislative assembly.

28 7. The council shall:

29 a. Assist in the implementation, dissemination, and communication of the statewide
30 strategic vision and evaluate progress toward meeting the identified goals and
31 strategies.

- b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
- d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
- e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
- f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
- g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
- h. Develop and utilize subcommittees as needed.
- i. Seek advice and input from interested parties not appointed to the council as needed.

SECTION 4. AMENDMENT. Subsection 1 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, ~~or the information technology department, or the North Dakota educational technology council,~~ each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in PowerSchool.

SECTION 5. AMENDMENT. Subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, employees, or other persons directly or indirectly

purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency must be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:

- a. The office of management and budget except with respect to rules made under section 32-12.2-14, rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the classified service as authorized under section 54-44.3-07, and rules relating to state purchasing practices as required under section 54-44.4-04.
- b. The adjutant general with respect to the department of emergency services.
- c. The council on the arts.
- d. The state auditor.
- e. The department of commerce with respect to the division of economic development and finance.
- f. The dairy promotion commission.
- g. The education factfinding commission.
- h. The educational technology kindergarten through grade twelve education coordination council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota, North Dakota housing finance agency, public finance authority, North Dakota mill and elevator association, North Dakota farm finance agency, the North Dakota transmission authority, and the North Dakota pipeline authority.
- m. The department of corrections and rehabilitation except with respect to the activities of the division of adult services under chapter 54-23.4.
- n. The pardon advisory board.
- o. The parks and recreation department.
- p. The parole board.
- q. The state fair association.

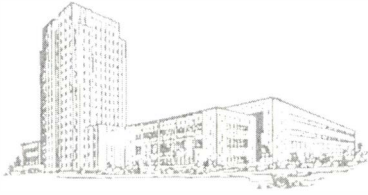
- 1 r. The attorney general with respect to activities of the state toxicologist and the
- 2 state crime laboratory.
- 3 s. The administrative committee on veterans' affairs except with respect to rules
- 4 relating to the supervision and government of the veterans' home and the
- 5 implementation of programs or services provided by the veterans' home.
- 6 t. The industrial commission with respect to the lignite research fund except as
- 7 required under section 57-61-01.5.
- 8 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
- 9 for the risk assessment of sexual offenders, the risk level review process, and
- 10 public disclosure of information under section 12.1-32-15.
- 11 v. The commission on legal counsel for indigents.
- 12 w. The attorney general with respect to twenty-four seven sobriety program
- 13 guidelines and program fees.
- 14 x. The industrial commission with respect to approving or setting water rates under
- 15 chapter 61-40.

16 **SECTION 6. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
17 Code is amended and reenacted as follows:

- 18 1. The statewide longitudinal data system committee consists of:
- 19 a. The commissioner of the board of higher education or the commissioner's
- 20 designee;
- 21 b. The superintendent of public instruction or the superintendent's designee;
- 22 c. The chief information officer or the officer's designee;
- 23 d. The director of the department of career and technical education or the director's
- 24 designee;
- 25 e. The director of job service North Dakota or the director's designee;
- 26 f. The commissioner of commerce or the commissioner's designee;
- 27 g. The director of the department of human services or the director's designee;
- 28 h. The director of the North Dakota educational technology council;
- 29 i. The executive director of the North Dakota council of educational leaders or the
- 30 executive director's designee;

- 1 j.i. The director of the North Dakota workforce development council or the director's
- 2 designee; and
- 3 k.i. Two members of the legislative assembly appointed by the chairman of the
- 4 legislative management.

5 **SECTION 7. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
6 are repealed.



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

SB 2215
3-12-19
#1



Senator Donald Schaible

District 31
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COMMITTEE:

Education, Chairm.
Energy and Natural Resourc

Senate Bill 2215 – Creation of K12 Coordination Council.

During this past interim session, one of the key topics of conversation was the overall governance of K12 Education. Many groups discussed this in a variety of venues. After some time, the Governor's office established a taskforce to dig into this issue and to ensure that as many voices as possible could be heard and that there could be a solid recommendation for future governance of K12 Education and/or any improvements that could be made.

The makeup of this committee included: The Governor's office (Levi Bachmeier moderated the year-long effort), NDDPI/State Superintendent Kirsten Baesler, Center for Technical Education Director Wade Sick, House Education Committee Chair Mark Owens, House Education Committee Vice Chair Cindy Schreiber-Beck, Senate Education Committee Chair – Don Schaible, Senate Education Policy Interim Committee Chair Erin Oban, NDCEL Director, NDUnited Director, REA Director, CDE Director, NDSBA Director, CTE Board Chair, ETC Council Chair, NDSOS Director, EduTech/ETC Director, ESPB Director.

After a year of meetings, a solid recommendation existed and came out of this workgroup and the recommendation lies within this bill. The development of a group called the K12 Coordination Council lies before you today. Why create a coordination council like this? Is it needed? In short, the answer is YES! I will cite a few examples for you. Earlier this year we heard the bill sponsored by Senator Davison that discussed the Medicaid billing option provided by SEEC. This would likely be a great option for all sectors in the state, however, there is a struggle to get some of the other REA's involved. It has happened on other occasions where there is collaboration among some of the REA's but not all on great concepts which ends up resulting in districts that can advance and others that are left behind on the basis of what their REA is willing to do. We see this happen quite often and we've seen this division occur since the Succeed 2020 grant – we need to find a modality to ensure and assist in the collaboration. Further, the field continues to share that they are on initiative overload. This goes far beyond REA's. Great ideas spring up all over the state. Once the idea is heard of there often gets to be momentum to try to get the whole state involved without getting all the input needed. This council would allow for an opportunity to vet concepts, ideas, and encourage collaboration of the best concepts and help to create a plan that could bring us closer to a statewide implementation.

This council could also help provide better collaboration and communication among state agencies. This would be a way to create collaboration and force collaboration if needed between NDDPI, NDCTE, REA's, Special Education units and all those who deliver PD, those who represent groups, and those who need to implement concepts, etc. The conversations about what the education arena can do that is new, and maybe what needs to stop can be discussed. When all parties come to the table together along with the field who needs to implement the best ideas, good decisions can be made.

Several years ago, there was a similar mechanism in place called the Governor's Commission on Education. From that group came some of the greatest education reform our state has seen in the area of school funding and some policy shifts. Having an ongoing mechanism like that in place

(rather than just for a short time) can create a collaboration environment that will ultimately create positive results for students, whether it is regarding policy or funding.

As presented, this K12 Coordination Council would exist to assist our state in a number of different ways in relation to K12 education. The primary responsibility would be to coordinate collaboration between the K12 education entities in the state and to support elementary and secondary education.

- * As the develop this group would conduct a continuing study of the effectiveness and efficiency of the elementary and secondary education system in the state.
- * Coordinate communication among elementary and secondary education entities
- * Support innovate education practices
- * Develop and utilize advisory committees as needed
- * Provide recommendations to all elementary and secondary education entities and the legislative assembly.

I will now walk you through sections of the bill.

Section 1 & Section 2:

- * Provides for the shift the Center for Distance Education from the Education Technology Council with regard to reporting structure to the state board for Career and Technical Education.
- * With that shift, this bill would then redact the Education Technology Council from Century Code shifting its duties to the CTE Board
- * This language is similar that is 2216 and was placed in this bill because the concept of this bill of a Coordination Council and the transformation of Center for Distance Education to Career and Technical Education which is in 2215 was created out of the same discussions and work

done by many stake holder groups, legislative interim committees and the Governors Task Forces on Innovation.

Section 3:

* This section is new and is added to essentially replace the ETC with the new K12 Coordination Council – thereby we are not adding new layers of government.

* The K12 Coordination Council will be given operational oversight by the State Board for the Center for Distance Education – their budget will flow through the CTE Budget.

* The membership on this board based on the strong recommendation of the convening task force are listed in this section as well.

* This section also manages how the council functions such as:

- o Presiding officer shifts annually,
- o Per-diem compensation allowed.
- o Charges of the council.

Sections 4, 5, & 6

* Cleans up areas of code that include the ETC and when appropriate that council is replaced by the K12 Coordination Council

There is mention of Power School in this bill, a the mention of Power School was deleted in another bill and this may want to be corrected.

The repealers in this bill are 54-59-17 Education Technology Council meetings and Compensation and 54-59-18 powers and duties of education technology council



SB 2215
3-12-19
#2

SB 2215 – K12 Coordination Council – Testimony in Support

NDCEL - 3/12/19

Copas

Good day Chair Owens and members of the House Education Committee. I come here today representing NDCEL in support of the concept in place in SB 2215.

Several years ago, under former Governor Jack Dalrymple, there was a group formulated to attempt to resolve issues that stemmed from a school-funding model that was determined to be inequitable. The group that came together grappled with school funding and a large variety of K12 policy pieces in relation to the ND legislature and Century Code. As this group worked together, concepts were vetted, collaboration took place, and ultimately 27 pieces of legislation were recommended. One of the key pieces of legislation was the early version of the school funding bill that we work with today getting us closer to equity in funding than our state had experienced previously. Unfortunately, after that time working together, the commission was disbanded and educators as well as some legislators have yearned for the days when the commission was in place to grapple with difficult issues, to come together and gently or forcefully bring collaboration (whatever was needed), to vet concepts and ensure our students have the best chance at success.

During the most recent interim session, the ND Governor Doug Burgum called together a taskforce led by Levi Bachmeier to discuss K12 governance and to find a more effective and efficient structure for K12 education. After many meetings and intense collaboration, a recommendation came forward to recreate a model much like the one that was in place in the past and to anchor that highly functioning group that existed previously into law – providing an ongoing mechanism to ensure collaboration and to help drive us onward on our mission of the best possible opportunity for students.



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#2

This newly create K12 Collaboration Council, as the bill indicates now, would have the same representatives that were in the original commission and was expanded to bring some voices to the table that were determined would greatly enhance the conversation. Enacted, this collaboration council could grapple with a myriad of issues and have the opportunity to offer thoughtful recommendations about what can and should be done for the benefit of students.

Through creativity – this organization would create no new levels of government nor would it cost the state any further investment but rather a re-allocation of funds.

NDCEL participated in the past commission representing school leaders and our organization would be excited to sit at the table once again collaborating and finding ways that we can better serve the students of North Dakota. We strongly recommend a DO PASS of SB 2215.

Mandan Public School District

District Offices

SB 2215
3-12-19
#3

Date: Monday, March 11, 2019
To: North Dakota House Education Committee
From: Jeff Fastnacht, Asst. Superintendent
Re: Support for SB 2215

Good Morning Chairman Owens and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School and today I am speaking to you as the Chairman of the ND Education Technology Council (ETC) and member of the ND Career & Technical Education Board (CTE).

SB 2215 also addresses the realignment of the ND Center for Distance Education to within the ND Department of Career & Technical Education. As you previously heard in my testimony for SB 2216, I support that transition.

SB 2215 also creates what is being called the K12 Coordination Council. In 2016 the ND Education Technology Council discussed this very type of group. At that time the ETC was frustrated with the apparent fracture of various K12 entities. As the council that oversaw the technical rollout of the ND state assessment which had been recently completed, we were frustrated in the obvious disconnects between EduTech, ND DPI, ND ITD, and REAs in our state. With the session fast approaching in 2017 we were preparing to craft legislation to broaden the membership of the council to address exactly what the coordination council is promoting today.

The roadblock occurred in the fall of 2016 when the ND ETC lost our director and felt the significant cuts in appropriations. We went from being visionary to being survivalists. Now fast forward to 2018 and we again are discussing the need to create a means to better organize the wide variety of services and programs for K12 within our state. North Dakota has the privilege of having exceptional people working to promote and enhance K12 education. Our Superintendent is a strong leader focused on helping all students succeed. Our special education and CTE organizations provide invaluable services to our students and communities. REAs and EduTech provide many opportunities for professional growth to our teachers. Finally, our schools both big and small are doing exceptional things in our classrooms. Our teachers and administrators are the best of the best. However, even the positive work of all these entities and many more would benefit from working better together.

Often when you are doing good work, we are raised to put our heads down and get to work. I believe this is true for K12 in our state. We have many people putting their heads down and just doing the hard work that is needed every day. However, if we could just have an organized way to work more collaboratively, we could propel K12 education in our state to new heights of achievement. We need this council to do just that. We need a mechanism to promote and ensure all these hard-working agencies are pulling on the rope together.

The ND ETC realizes that the creation of the Coordination Council will mean the demise of our group. We understand and support that, with the knowledge that what is being created could be even better.

Thank you for your time and I would stand for any questions from the committee.



North Dakota Small Organized Schools

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#4

Mr. ElRoy Burkle
Executive Director
1419 9th Ave NE
Jamestown, 58401
Eburklendsos@gmail.com
701-230-1973

Mr. Brandt Dick
President
PO Box 100 – 123 Summit Street
Underwood, ND 5857
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701-845-2910

March 4, 2019

Chairman Owens and Members of the ND House Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools.

On behalf of our 150 members, I would like to express our sincere appreciation for inviting us to the table the past two years. The discussions have been informative, enlightening and clearly productive. NDSOS goes on record of supporting SB 2215 – creation of a k12 coordination council – and recommend a ‘do pass’.

What an opportunity! SB 2215 provides an opportunity to bring educational leaders from all spectrums of the North Dakota educational landscape together to continue dialogues in studying the effectiveness and efficiency of elementary and secondary education; coordinate communication among education entities; support innovation education practices; develop and utilize advisory committees and, ultimately, provide recommendations to both the education entities and the legislative assembly. The foundation is in place with stakeholders ready to continue with the process.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director

ND Small Organized Schools

1419 9th Ave NE

Jamestown, ND 58401

Cell: 701-230-1973 Email eburklendsos@gmail.com

Revised March 4, 2019

File: SB 2215 k12 Coordination Council House Ed

Board of Directors

Region 1

Mr. Tim Holte, Supt. Stanley
Mr. John Gruenberg, Supt. Powers Lake

Region 2

Mr. Jeff Hagler, Supt. North Star
Mr. Steven Heim, Anamoose & Drake

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Region 5

Mr. Joel Lemer, Bd. Member Carrington
Mr. Brandt Dick, Supt. Underwood

Region 6

Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

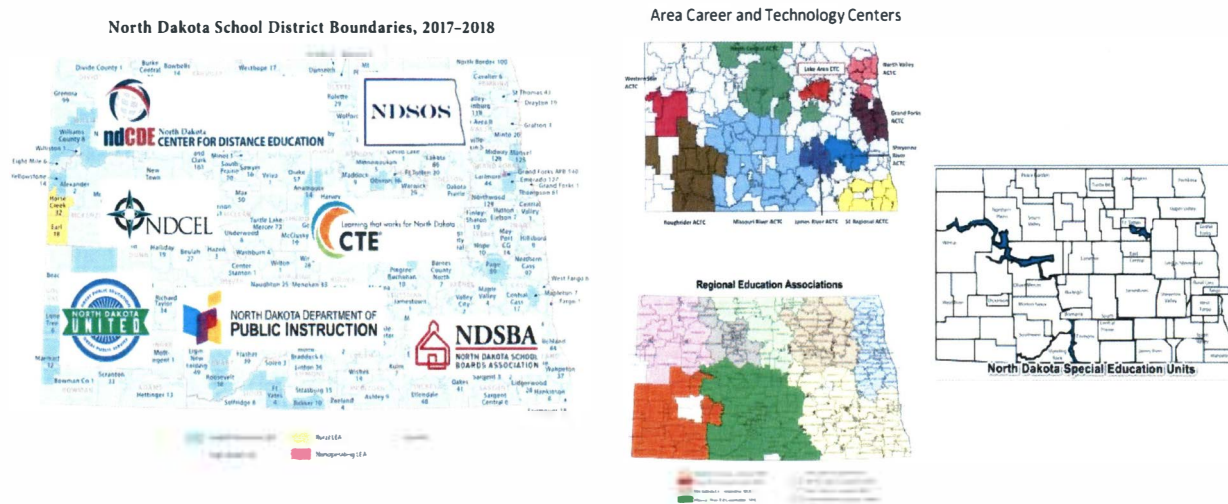
The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

SB 2215
3-12-19
#5

SB2215 Testimony
Dr. Matthew Lonn
North Dakota Center for Distance Education, Director of Statewide Programs

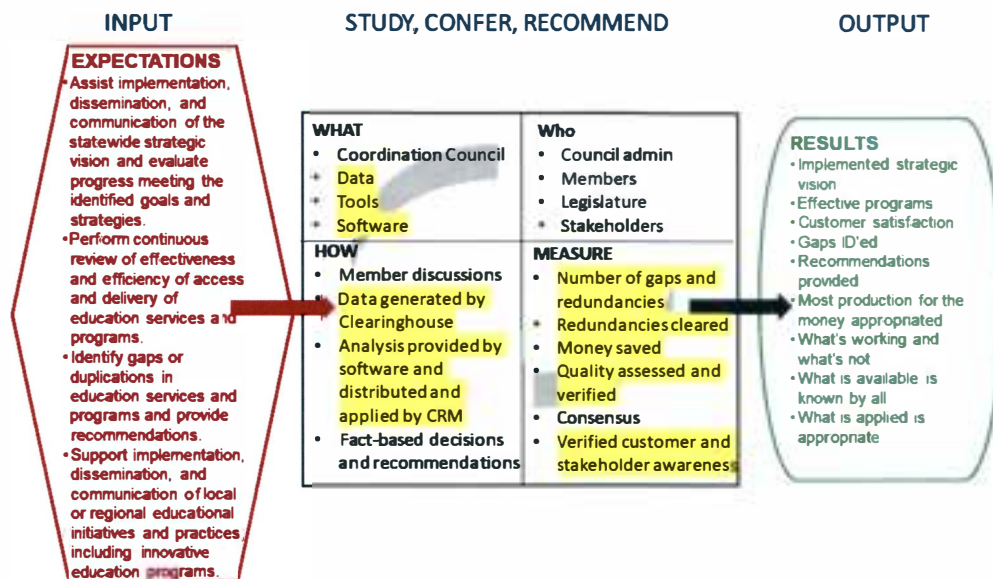
Mr. Chairman and members of the committee, my name is Matthew Lonn Director of Statewide Programs from North Dakota's Center for Distance Education (NDCDE). I'm in favor of this bill as it seeks to bring greater cooperation and collaboration among state educational service providers. I do however offer one revision that is needed. In its original draft, the Director of NDCDE or the Director's designee was included as a member. In the bills current state, that membership is absent. I ask that NDCDE's Director or the Directors designee be placed back into the bill as a member.

NDCDE is a school that works directly with students and parents. It's a unique statewide school that provides digital courses, teachers, competency-based learning, project-based learning labs, Pre-K, along with other growing innovative programs designed to fill needs in North Dakota's current educational system to over 170 school districts in the state annually. By the time the 2018-2019 school year is complete, NDCDE will have over 5,300 enrollments which is equivalent to a school district with approximately 447 full time students.



NDCDE is not interested in being a part of the coordination council simply to have a vote or a seat at the table. NDCDE needs to be a part of the council because NDCDE's services are statewide and often require large scale coordination efforts with many other statewide, regional or district level agencies. The preceding images show the different school districts, regional, and statewide educational service providers that NDCDE must work with at different times to deliver a quality service to North Dakota's kids and parents.

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Coordination Council Shall (a few highlights from the legislation):

Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.

NDCDE has a proven track record of implementing and disseminating North Dakota's strategic vision through its available programs to all schools. All five strategic themes in ND's PK-12 Education Strategic plan are evident in NDCDE's current processes and future projects from Kindergarten Readiness, ND SmartLabs, Adaptive Learning platforms, and career exploration as just few examples.

Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state. According to NDCC 15-19-02.1, NDCDE is required to annually contact every school district in the state to gather information about their online course usage, providers, costs, and availability of courses in new emerging careers. NDCDE has become an expert in different course delivery models, their effectiveness, and their efficiency.

Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications. NDCDE provides online courses and other services directly to the state's kids and parents in all districts. This puts NDCDE in direct contact frequently with CTE tech centers, REA's, special ed. units, tribal schools, school boards, and school administrators. Currently, cooperation and collaboration with all these groups simultaneously is difficult at best (note the maps on the previous page).

Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level. NDCDE is an active participant in implementing and disseminating innovative educational programs including ND SmartLabs, Competency-Based Learning with a new Customer Relationship Management (CRM), and Hybrid CTE-Industry course design models just to name a few. In addition, NDCDE was only the second school in the state of North Dakota to have an Innovative Education Implementation Application accepted by the Department of Public Instruction under NDCC 15.1-06-08.2 (SB2186).

In summary, if the intent of the education coordination council is to provide a forum for state agencies and other educational service providers to find ways to better serve the kids and parents of North Dakota in an efficient manner, the state cannot afford to leave a direct representative from NDCDE off it. North Dakota's parents and their kids can only gain greater educational opportunity by having direct NDCDE representation on this council.

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#6

House Education Committee

March 12, 2019

SB 2215

Chairman Owens and members of the committee, my name is Rod Backman here today representing the State Association of Non-Public Schools (SANS).

The SANS group is supportive of this legislation specifically the education coordination council and would like to be a designated part of the council. They have been involved in many of the state's education task forces in the past and would appreciate your consideration of the amendment I have submitted with my testimony. The amendment adds an administrator from a non-public school to the council.

To illustrate SANS' past involvement I have attached testimony from Tracy Friesen where she talks about the non-public schools participation and the benefits. Ms. Friesen could not be here today as she is in New York with a national accreditation team working for an education system with over 30,000 students. She has asked me to share her testimony.

Chairman Owens, I am happy to take any questions you may have.

Thank you.

Rod Backman

rbackman@bis.midco.net

400-2076

TESTIMONY FOR 2215

Representation for non-public schools has been and is evident through various North Dakota K-12 committees, councils, and task forces. Non-public schools had representation on the ND State Assessment Task Force that met in 2016. The current ESSA State Planning Committee has a representative for non-public schools that is a member of the general planning committee as well as two sub committees. Various non-public educators serve and have served on ND Content Standards Committees in the revision of academic standards.

Non-public schools want and choose to be an active participant in state wide initiatives in an effort to stay connected and contribute to state wide academic endeavors. These connections create a conduit for clear communication to stakeholders throughout the state to the leaders, educators, parents, and students in non-public schools. Many of the non-public schools choose to adhere to the approval criteria and guidelines that are mandated for public schools. Also, many of the non-public schools choose to participate with the AdvancED accreditation continuous improvement process.

Best regards,

Tracy Friesen

Academic Advancement Coordinator, LOCCS

Assistant Principal, St. Mary's Central High School

1025 N 2nd Street

Bismarck, ND 58501

701.223.4113

tfriesen@lightofchristschools.org

SB 2215
3-12-19
#6

PROPOSED AMENDMENT TO SENATE BILL NO. 2215

Page 4, line 4, remove "and"

Page 4, line 5, insert "the president of the board of the North Dakota state association of non-public schools or the president's designee; and"

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2215

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact ~~sections 15-19-02 and 15-19-06,~~
4 ~~subsection 1~~ subsections 1 and 2 of section 15.1-07-33, subsection 2 of section 28-32-01, and
5 subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to ~~the center for~~
6 ~~distance education,~~ the student information system, the definition of administrative agency, and
7 the statewide longitudinal data system committee; and to repeal sections 54-59-17 and
8 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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

10 ~~SECTION 1. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~
12 ~~15-19-02. Administration Director of center for distance education Appointment~~
13 ~~and duties.~~
14 ~~The program of and all activities related to the center for distance education are the~~
15 ~~responsibility of the center for distance education and under the supervision authority of the~~
16 ~~educational technology council state board for career and technical education. The educational~~
17 ~~technology council shall director of the department of career and technical education may hire a~~
18 ~~state director of administration and staff for the center for distance education who must be~~
19 ~~classified under the state personnel merit system. The director administration shall carry out the~~
20 ~~director's responsibilities in the administration of administering the center for distance~~
21 ~~education in the manner approved by the educational technology council state board for career~~
22 ~~and technical education, under the supervision of the director of the department of career and~~
23 ~~technical education and in compliance with requirements established by the superintendent of~~
24 ~~public instruction and the education standards and practices board. The state board for career~~

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#1

1 and technical education shall administer the responsibilities of the board of a school district
2 relating to the center for distance education.

3 ~~SECTION 2. AMENDMENT.~~ Section 15-19-06 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 ~~15-19-06. Special funds - Deposit of collections - Transfers from general fund~~
6 ~~appropriations.~~

7 ~~1. A special operating fund for the center for distance education must be maintained~~
8 ~~within the state treasury and all income and fees collected by the center for distance~~
9 ~~education from any source must be remitted monthly by the director to the state~~
10 ~~treasurer and credited to the special operating fund. All expenditures from the fund~~
11 ~~must be within the limits of legislative appropriations and must be made upon~~
12 ~~vouchers, signed and approved by the technology director appointed by the~~
13 ~~educational technology council director of the department of career and technical~~
14 ~~education. Upon approval of the vouchers by the office of the budget, warrant checks~~
15 ~~must be prepared by the office of management and budget. The state treasurer shall~~
16 ~~make periodic transfers upon order of the director of the office of management and~~
17 ~~budget from the center for distance education general fund appropriation to the special~~
18 ~~operating fund whenever its balance falls so low as to require supplementation.~~

19 ~~2. The educational technology council may establish an administrative operational fund,~~
20 ~~of not to exceed ten thousand dollars, out of the special operating fund for the center~~
21 ~~for distance education. The administrative operational fund must be deposited in the~~
22 ~~Bank of North Dakota and may be drawn upon by the state director of the center for~~
23 ~~distance education for the payment of necessary expenses in the administration and~~
24 ~~operation of the center for distance education within the limits and rules prescribed by~~
25 ~~the educational technology council. The director shall submit a full, minute, and~~
26 ~~itemized statement of every expenditure made during the month to the council in~~
27 ~~accordance with the rules adopted by the council, and thereafter the council may~~
28 ~~periodically authorize additional transfers to the administrative operational fund, but~~
29 ~~the balance in the fund may never exceed ten thousand dollars, and any~~
30 ~~unencumbered balance at the end of any biennium must revert to the state treasury.~~

~~The administrative operational fund may not be used to pay salaries or expenses of the director.~~

~~3. The educational technology councilstate board for career and technical education may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance education. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the council or the center for distance education as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the councilboard or center for distance education which is designated by the councilboard and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The state director of the center for distance education may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the educational technology councilstate board for career and technical education. The interest earned by the scholarship fund is appropriated to the center for distance education.~~

SECTION 1. A new section to chapter 15.1-01 of the North Dakota Century Code is created and enacted as follows:

Kindergarten through grade twelve education coordination council.

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. The council consists of:
 - a. Three members of the legislative assembly, one of whom must be a member of the minority party, selected by the legislative management;
 - b. The governor or the governor's designee;
 - c. The superintendent of public instruction or the superintendent's designee;
 - d. The president of the state board for career and technical education or the president's designee;
 - e. The president of the board of the North Dakota council of educational leaders or the president's designee;
 - f. The president of the board of North Dakota united or the president's designee;

- 1 g. The president of the board of the North Dakota school boards association or the
2 president's designee;
- 3 h. The president of the board of the North Dakota small organized schools or the
4 president's designee; and
- 5 i. The following gubernatorial appointees:
- 6 (1) An individual representing the statewide longitudinal data system
7 committee;
- 8 (2) An individual representing a tribal school;
- 9 (3) An individual employed as a public school administrator;
- 10 (4) An individual employed as a public school principal;
- 11 (5) An individual employed as a public school teacher;
- 12 (6) A director of a special education unit; and
- 13 (7) A director of a regional education association.
- 14 3. The term of office for a member appointed by the governor is four years. The governor
15 may stagger the initial appointments to the council so no more than three members'
16 terms expire in any year.
- 17 4. The council shall select a presiding officer annually from among its members.
- 18 5. A member of the council who is a member of the legislative assembly is entitled to
19 receive per diem compensation at the rate provided under section 54-35-10 for each
20 day performing official duties of the council and to reimbursement for travel and
21 expenses as provided by law, to be paid by the legislative council. A member of the
22 council who is not a state employee is entitled to receive as compensation sixty-two
23 dollars and fifty cents per day and to reimbursement of expenses as provided by law
24 for state officers while attending meetings of the council, to be paid by the state board
25 of public school education. A state employee who is a member of the council is entitled
26 to receive that employee's regular salary and is entitled to reimbursement for mileage
27 and expenses, to be paid by the employing agency.
- 28 6. The council may hire an executive director.
- 29 7. The council shall:

- 1 a. Assist in the implementation, dissemination, and communication of the statewide
- 2 strategic vision and evaluate progress toward meeting the identified goals and
- 3 strategies.
- 4 b. Perform a continuous review of the effectiveness and efficiency of access and
- 5 delivery of education services and programs in the state.
- 6 c. Identify opportunities for increased collaboration among state education entities
- 7 and stakeholders.
- 8 d. Identify gaps or duplications in education services and programs and provide
- 9 recommendations for addressing those gaps or duplications.
- 10 e. Study and evaluate new and emerging educational initiatives and trends and
- 11 provide recommendations for policy changes to state entities or the legislative
- 12 assembly if necessary.
- 13 f. Support the implementation, dissemination, and communication of local or
- 14 regional educational initiatives and practices, including innovative education
- 15 programs, on a statewide level.
- 16 g. Establish a one-stop communication and information hub to provide the public
- 17 and interested parties with seamless access to state entities that deliver
- 18 education services and programs.
- 19 h. Develop and utilize subcommittees as needed.
- 20 i. Seek advice and input from interested parties not appointed to the council as
- 21 needed.
- 22 j. Review North Dakota Century Code title 15.1 and provide a report annually,
- 23 along with recommendations for any necessary legislation, to a committee
- 24 designated by the legislative management.

25 **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-07-33 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 1. Notwithstanding any other technology requirements imposed by the superintendent of
28 public instruction, ~~or the information technology department, or the North Dakota~~
29 ~~educational technology council,~~ each school district shall ~~acquire PowerSchool~~
30 ~~through~~ implement the state student information system administered by the
31 information technology department and use it as its principal student information

1 system. Each school district shall use a state course code, assigned by the
2 department of public instruction, to identify all local classes in ~~PowerSchool~~the state
3 student information system.

4 **SECTION 3. AMENDMENT.** Subsection 2 of section 15.1-07-33 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. The ~~superintendent of public instruction~~statewide longitudinal data system committee
7 may exempt a school district from having to ~~acquire~~implement and utilize
8 ~~PowerSchool~~the state student information system if the school district demonstrates
9 that, in:

10 a. The district has acquired and is using a student information system determined to
11 be compatible with the statewide longitudinal data system; or

12 b. In accordance with requirements of the bureau of Indian education, the district
13 has acquired and is utilizing a student information system that is determined to
14 be comparable by the superintendent.

15 **SECTION 4. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century
16 Code is amended and reenacted as follows:

17 2. "Administrative agency" or "agency" means each board, bureau, commission,
18 department, or other administrative unit of the executive branch of state government,
19 including one or more officers, employees, or other persons directly or indirectly
20 purporting to act on behalf or under authority of the agency. An administrative unit
21 located within or subordinate to an administrative agency must be treated as part of
22 that agency to the extent it purports to exercise authority subject to this chapter. The
23 term administrative agency does not include:

24 a. The office of management and budget except with respect to rules made under
25 section 32-12.2-14, rules relating to conduct on the capitol grounds and in
26 buildings located on the capitol grounds under section 54-21-18, rules relating to
27 the classified service as authorized under section 54-44.3-07, and rules relating
28 to state purchasing practices as required under section 54-44.4-04.

29 b. The adjutant general with respect to the department of emergency services.

30 c. The council on the arts.

31 d. The state auditor.

- 1 e. The department of commerce with respect to the division of economic
- 2 development and finance.
- 3 f. The dairy promotion commission.
- 4 g. The education factfinding commission.
- 5 h. The ~~educational technology~~ kindergarten through grade twelve education
- 6 coordination council.
- 7 i. The board of equalization.
- 8 j. The board of higher education.
- 9 k. The Indian affairs commission.
- 10 l. The industrial commission with respect to the activities of the Bank of North
- 11 Dakota, North Dakota housing finance agency, public finance authority, North
- 12 Dakota mill and elevator association, North Dakota farm finance agency, the
- 13 North Dakota transmission authority, and the North Dakota pipeline authority.
- 14 m. The department of corrections and rehabilitation except with respect to the
- 15 activities of the division of adult services under chapter 54-23.4.
- 16 n. The pardon advisory board.
- 17 o. The parks and recreation department.
- 18 p. The parole board.
- 19 q. The state fair association.
- 20 r. The attorney general with respect to activities of the state toxicologist and the
- 21 state crime laboratory.
- 22 s. The administrative committee on veterans' affairs except with respect to rules
- 23 relating to the supervision and government of the veterans' home and the
- 24 implementation of programs or services provided by the veterans' home.
- 25 t. The industrial commission with respect to the lignite research fund except as
- 26 required under section 57-61-01.5.
- 27 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
- 28 for the risk assessment of sexual offenders, the risk level review process, and
- 29 public disclosure of information under section 12.1-32-15.
- 30 v. The commission on legal counsel for indigents.

- 1 w. The attorney general with respect to twenty-four seven sobriety program
2 guidelines and program fees.
3 x. The industrial commission with respect to approving or setting water rates under
4 chapter 61-40.

5 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 1. The statewide longitudinal data system committee consists of:

- 8 a. The commissioner of the board of higher education or the commissioner's
9 designee;
10 b. The superintendent of public instruction or the superintendent's designee;
11 c. The chief information officer or the officer's designee;
12 d. The director of the department of career and technical education or the director's
13 designee;
14 e. The director of job service North Dakota or the director's designee;
15 f. The commissioner of commerce or the commissioner's designee;
16 g. The director of the department of human services or the director's designee;
17 h. ~~The director of the North Dakota educational technology council;~~
18 i. The executive director of the North Dakota council of educational leaders or the
19 executive director's designee;
20 ~~j-i.~~ The director of the North Dakota workforce development council or the director's
21 designee; and
22 ~~k-j.~~ Two members of the legislative assembly appointed by the chairman of the
23 legislative management.

24 **SECTION 6. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
25 are repealed.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 5, after line 21, insert:

- "j. Review North Dakota Century Code title 15.1 and provide a report annually, along with recommendations for any necessary legislation, to a committee designated by the legislative management."

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The ~~superintendent of public instruction~~statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~implement and utilize PowerSchoolthe state student information system if the school district demonstrates that, in:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party" with "house of representatives"

Page 3, line 23, replace "legislative management" with "majority leader of the house of representatives, one member of the senate selected by the majority leader of the senate, and one member of the minority party selected through coordination between the majority leaders of each chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: ": and"

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The ~~superintendent of public instruction~~ statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~ implement and utilize ~~PowerSchool~~ the state student information system if the school district demonstrates that, in:

a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or

b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

SB 2215
3-26-19
#1

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2215

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact ~~sections 15-19-02 and 15-19-06,~~
4 ~~subsection 1~~ subsections 1 and 2 of section 15.1-07-33, subsection 2 of section 28-32-01, and
5 subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to ~~the center for~~
6 ~~distance education,~~ the student information system, the definition of administrative agency, and
7 the statewide longitudinal data system committee; and to repeal sections 54-59-17 and
8 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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

10 ~~SECTION 1. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~
12 ~~15-19-02. Administration Director of center for distance education Appointment~~
13 ~~and duties.~~
14 ~~The program of and all activities related to the center for distance education are the~~
15 ~~responsibility of the center for distance education and under the supervision authority of the~~
16 ~~educational technology council state board for career and technical education. The educational~~
17 ~~technology council shall director of the department of career and technical education may hire a~~
18 ~~state director of administration and staff for the center for distance education who must be~~
19 ~~classified under the state personnel merit system. The director administration shall carry out the~~
20 ~~director's site responsibilities in the administration of administering the center for distance~~
21 ~~education in the manner approved by the educational technology council state board for career~~
22 ~~and technical education, under the supervision of the director of the department of career and~~
23 ~~technical education and in compliance with requirements established by the superintendent of~~
24 ~~public instruction and the education standards and practices board. The state board for career~~

1 ~~and technical education shall administer the responsibilities of the board of a school district~~
2 ~~relating to the center for distance education.~~

3 ~~SECTION 2. AMENDMENT.~~ Section 15-19-06 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 ~~15-19-06. Special funds – Deposit of collections – Transfers from general fund~~
6 ~~appropriations.~~

7 ~~1. A special operating fund for the center for distance education must be maintained~~
8 ~~within the state treasury and all income and fees collected by the center for distance~~
9 ~~education from any source must be remitted monthly by the director to the state~~
10 ~~treasurer and credited to the special operating fund. All expenditures from the fund~~
11 ~~must be within the limits of legislative appropriations and must be made upon~~
12 ~~vouchers, signed and approved by the technology director appointed by the~~
13 ~~educational technology council director of the department of career and technical~~
14 ~~education. Upon approval of the vouchers by the office of the budget, warrant checks~~
15 ~~must be prepared by the office of management and budget. The state treasurer shall~~
16 ~~make periodic transfers upon order of the director of the office of management and~~
17 ~~budget from the center for distance education general fund appropriation to the special~~
18 ~~operating fund whenever its balance falls so low as to require supplementation.~~

19 ~~2. The educational technology council may establish an administrative operational fund,~~
20 ~~of not to exceed ten thousand dollars, out of the special operating fund for the center~~
21 ~~for distance education. The administrative operational fund must be deposited in the~~
22 ~~Bank of North Dakota and may be drawn upon by the state director of the center for~~
23 ~~distance education for the payment of necessary expenses in the administration and~~
24 ~~operation of the center for distance education within the limits and rules prescribed by~~
25 ~~the educational technology council. The director shall submit a full, minute, and~~
26 ~~itemized statement of every expenditure made during the month to the council in~~
27 ~~accordance with the rules adopted by the council, and thereafter the council may~~
28 ~~periodically authorize additional transfers to the administrative operational fund, but~~
29 ~~the balance in the fund may never exceed ten thousand dollars, and any~~
30 ~~unencumbered balance at the end of any biennium must revert to the state treasury.~~

The administrative operational fund may not be used to pay salaries or expenses of the director.

~~3. The educational technology councilstate board for career and technical education may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance education. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the council or the center for distance education as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the councilboard or center for distance education which is designated by the councilboard and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The state director of the center for distance education may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the educational technology councilstate board for career and technical education. The interest earned by the scholarship fund is appropriated to the center for distance education.~~

SECTION 1. A new section to chapter 15.1-01 of the North Dakota Century Code is created and enacted as follows:

Kindergarten through grade twelve education coordination council.

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.

2. The council consists of:

- a. Three members of the legislative assembly, one of whom must be a member of the minority partyhouse of representatives, selected by the legislative managementmajority leader of the house of representatives, one member of the senate selected by the majority leader of the senate, and one member of the minority party selected through coordination between the majority leaders of each chamber;
- b. The governor or the governor's designee;
- c. The superintendent of public instruction or the superintendent's designee;
- d. The president of the state board for career and technical education or the president's designee;

- 1 e. The president of the board of the North Dakota council of educational leaders or
2 the president's designee;
- 3 f. The president of the board of North Dakota united or the president's designee;
- 4 g. The president of the board of the North Dakota school boards association or the
5 president's designee;
- 6 h. The president of the board of the North Dakota small organized schools or the
7 president's designee; and
- 8 i. The following gubernatorial appointees:
- 9 (1) An individual representing the statewide longitudinal data system
10 committee;
- 11 (2) An individual representing a tribal school;
- 12 (3) An individual employed as a public school administrator;
- 13 (4) An individual employed as a public school principal;
- 14 (5) An individual employed as a public school teacher;
- 15 (6) A director of a special education unit; ~~and~~
- 16 (7) A director of a regional education association; and
- 17 (8) A behavioral health representative from the department of human services.
- 18 3. The term of office for a member appointed by the governor is four years. The governor
19 may stagger the initial appointments to the council so no more than three members'
20 terms expire in any year.
- 21 4. The council shall select a presiding officer annually from among its members.
- 22 5. A member of the council who is a member of the legislative assembly is entitled to
23 receive per diem compensation at the rate provided under section 54-35-10 for each
24 day performing official duties of the council and to reimbursement for travel and
25 expenses as provided by law, to be paid by the legislative council. A member of the
26 council who is not a state employee is entitled to receive as compensation sixty-two
27 dollars and fifty cents per day and to reimbursement of expenses as provided by law
28 for state officers while attending meetings of the council, to be paid by the state board
29 of public school education. A state employee who is a member of the council is entitled
30 to receive that employee's regular salary and is entitled to reimbursement for mileage
31 and expenses, to be paid by the employing agency.

6. The council may hire an executive director.

7. The council shall:

- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
- b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
- d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
- e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
- f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
- g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
- h. Develop and utilize subcommittees as needed.
- i. Seek advice and input from interested parties not appointed to the council as needed.

SECTION 2. AMENDMENT. Subsection 1 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, ~~or the information technology department, or the North Dakota educational technology council,~~ each school district shall ~~acquire PowerSchool~~ through implement the state student information system administered by the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the

department of public instruction, to identify all local classes in ~~PowerSchool~~the state student information system.

SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The ~~superintendent of public instruction~~statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~implement and utilize ~~PowerSchool~~the state student information system if the school district demonstrates that, in:

a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or

b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

SECTION 4. AMENDMENT. Subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency must be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:

a. The office of management and budget except with respect to rules made under section 32-12.2-14, rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the classified service as authorized under section 54-44.3-07, and rules relating to state purchasing practices as required under section 54-44.4-04.

b. The adjutant general with respect to the department of emergency services.

c. The council on the arts.

d. The state auditor.

- 1 e. The department of commerce with respect to the division of economic
- 2 development and finance.
- 3 f. The dairy promotion commission.
- 4 g. The education factfinding commission.
- 5 h. The educational technology kindergarten through grade twelve education
- 6 coordination council.
- 7 i. The board of equalization.
- 8 j. The board of higher education.
- 9 k. The Indian affairs commission.
- 10 l. The industrial commission with respect to the activities of the Bank of North
- 11 Dakota, North Dakota housing finance agency, public finance authority, North
- 12 Dakota mill and elevator association, North Dakota farm finance agency, the
- 13 North Dakota transmission authority, and the North Dakota pipeline authority.
- 14 m. The department of corrections and rehabilitation except with respect to the
- 15 activities of the division of adult services under chapter 54-23.4.
- 16 n. The pardon advisory board.
- 17 o. The parks and recreation department.
- 18 p. The parole board.
- 19 q. The state fair association.
- 20 r. The attorney general with respect to activities of the state toxicologist and the
- 21 state crime laboratory.
- 22 s. The administrative committee on veterans' affairs except with respect to rules
- 23 relating to the supervision and government of the veterans' home and the
- 24 implementation of programs or services provided by the veterans' home.
- 25 t. The industrial commission with respect to the lignite research fund except as
- 26 required under section 57-61-01.5.
- 27 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
- 28 for the risk assessment of sexual offenders, the risk level review process, and
- 29 public disclosure of information under section 12.1-32-15.
- 30 v. The commission on legal counsel for indigents.

1 w. The attorney general with respect to twenty-four seven sobriety program
2 guidelines and program fees.

3 x. The industrial commission with respect to approving or setting water rates under
4 chapter 61-40.

5 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 1. The statewide longitudinal data system committee consists of:

8 a. The commissioner of the board of higher education or the commissioner's
9 designee;

10 b. The superintendent of public instruction or the superintendent's designee;

11 c. The chief information officer or the officer's designee;

12 d. The director of the department of career and technical education or the director's
13 designee;

14 e. The director of job service North Dakota or the director's designee;

15 f. The commissioner of commerce or the commissioner's designee;

16 g. The director of the department of human services or the director's designee;

17 h. ~~The director of the North Dakota educational technology council;~~

18 i. The executive director of the North Dakota council of educational leaders or the
19 executive director's designee;

20 ~~j.i.~~ The director of the North Dakota workforce development council or the director's
21 designee; and

22 ~~k.j.~~ Two members of the legislative assembly appointed by the chairman of the
23 legislative management.

24 **SECTION 6. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
25 are repealed.

April 19, 2019

SB 2215
4-22-19
AH #1
p1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

That the House recede from its amendments as printed on pages 1162 and 1163 of the Senate Journal and pages 1351 and 1352 of the House Journal and that Engrossed Senate Bill No. 2215 be amended as follows:

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) An individual employed as a school counselor"

Page 5, after line 20 insert:

"8. The council shall meet four times per calendar year.

9. The council shall prepare and present an annual report of council activities to the department of public instruction and to an interim committee designated by the legislative management.

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The superintendent of public instruction statewide longitudinal data system committee may exempt a school district from having to acquire implement and utilize PowerSchool the state student information system if the school district demonstrates that, in:

- a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
- b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

SB 2215
4-22-19
AH #1
P.20F2

Renumber accordingly

April 22, 2019

SB 2215
4-23-19
AH #1
R10F1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

That the House recede from its amendments as printed on pages 1162 and 1163 of the Senate Journal and pages 1351 and 1352 of the House Journal and that Engrossed Senate Bill No. 2215 be amended as follows:

Page 1, line 3, remove "sections 15-19-02 and 15-19-06, subsection 1 of"

Page 1, line 4, remove "section 15.1-07-33,"

Page 1, line 5, remove "the center for distance education, the student"

Page 1, line 6, remove "information system,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber"

Page 4, line 4, remove "and"

Page 4, line 5, after "i." insert "The president of the board of the North Dakota school counselor association or the president's designee; and

i."

Page 5, after line 21 insert:

"8. The council shall meet at least four times per calendar year.

9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 5, remove lines 22 through 29

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2215

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact ~~sections 15-19-02 and 15-19-06, subsection 1 of~~
4 ~~section 15.1-07-33~~, subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of
5 the North Dakota Century Code, relating to ~~the center for distance education, the student~~
6 ~~information system~~, the definition of administrative agency, and the statewide longitudinal data
7 system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century
8 Code, relating to the educational technology council.

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

10 ~~SECTION 1. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~
12 ~~15-19-02. Administration Director of center for distance education Appointment~~
13 ~~and duties.~~
14 ~~The program of and all activities related to the center for distance education are the~~
15 ~~responsibility of the center for distance education and under the supervision authority of the~~
16 ~~educational technology council state board for career and technical education. The educational~~
17 ~~technology council shall director of the department of career and technical education may hire a~~
18 ~~state director of administration and staff for the center for distance education who must be~~
19 ~~classified under the state personnel merit system. The director administration shall carry out the~~
20 ~~director's responsibilities in the administration of administering the center for distance~~
21 ~~education in the manner approved by the educational technology council state board for career~~
22 ~~and technical education, under the supervision of the director of the department of career and~~
23 ~~technical education and in compliance with requirements established by the superintendent of~~
24 ~~public instruction and the education standards and practices board. The state board for career~~

1 ~~and technical education shall administer the responsibilities of the board of a school district~~
2 ~~relating to the center for distance education.~~

3 ~~SECTION 2. AMENDMENT. Section 15-19-06 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~15-19-06. Special funds Deposit of collections Transfers from general fund~~
6 ~~appropriations.~~

7 ~~1. A special operating fund for the center for distance education must be maintained~~
8 ~~within the state treasury and all income and fees collected by the center for distance~~
9 ~~education from any source must be remitted monthly by the director to the state~~
10 ~~treasurer and credited to the special operating fund. All expenditures from the fund~~
11 ~~must be within the limits of legislative appropriations and must be made upon~~
12 ~~vouchers, signed and approved by the technology director appointed by the~~
13 ~~educational technology councildirector of the department of career and technical~~
14 ~~education. Upon approval of the vouchers by the office of the budget, warrant checks~~
15 ~~must be prepared by the office of management and budget. The state treasurer shall~~
16 ~~make periodic transfers upon order of the director of the office of management and~~
17 ~~budget from the center for distance education general fund appropriation to the special~~
18 ~~operating fund whenever its balance falls so low as to require supplementation.~~

19 ~~2. The educational technology council may establish an administrative operational fund,~~
20 ~~of not to exceed ten thousand dollars, out of the special operating fund for the center~~
21 ~~for distance education. The administrative operational fund must be deposited in the~~
22 ~~Bank of North Dakota and may be drawn upon by the state director of the center for~~
23 ~~distance education for the payment of necessary expenses in the administration and~~
24 ~~operation of the center for distance education within the limits and rules prescribed by~~
25 ~~the educational technology council. The director shall submit a full, minute, and~~
26 ~~itemized statement of every expenditure made during the month to the council in~~
27 ~~accordance with the rules adopted by the council, and thereafter the council may~~
28 ~~periodically authorize additional transfers to the administrative operational fund, but~~
29 ~~the balance in the fund may never exceed ten thousand dollars, and any~~
30 ~~unencumbered balance at the end of any biennium must revert to the state treasury.~~

~~The administrative operational fund may not be used to pay salaries or expenses of the director.~~

~~3. The educational technology councilstate board for career and technical education may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance education. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the council or the center for distance education as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the councilboard or center for distance education which is designated by the councilboard and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The state director of the center for distance education may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the educational technology councilstate board for career and technical education. The interest earned by the scholarship fund is appropriated to the center for distance education.~~

SECTION 1. A new section to chapter 15.1-01 of the North Dakota Century Code is created and enacted as follows:

Kindergarten through grade twelve education coordination council.

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. The council consists of:
 - a. Three members of the legislative assembly, one of whom must be a member of the minority party, selected by the legislative managementmajority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber;
 - b. The governor or the governor's designee;
 - c. The superintendent of public instruction or the superintendent's designee;
 - d. The president of the state board for career and technical education or the president's designee;

- 1 e. The president of the board of the North Dakota council of educational leaders or
2 the president's designee;
- 3 f. The president of the board of North Dakota united or the president's designee;
- 4 g. The president of the board of the North Dakota school boards association or the
5 president's designee;
- 6 h. The president of the board of the North Dakota small organized schools or the
7 president's designee; and
- 8 i. The president of the board of the North Dakota school counselor association or
9 the president's designee; and
- 10 j. The following gubernatorial appointees:
- 11 (1) An individual representing the statewide longitudinal data system
12 committee;
- 13 (2) An individual representing a tribal school;
- 14 (3) An individual employed as a public school administrator;
- 15 (4) An individual employed as a public school principal;
- 16 (5) An individual employed as a public school teacher;
- 17 (6) A director of a special education unit; and
- 18 (7) A director of a regional education association.
- 19 3. The term of office for a member appointed by the governor is four years. The governor
20 may stagger the initial appointments to the council so no more than three members'
21 terms expire in any year.
- 22 4. The council shall select a presiding officer annually from among its members.
- 23 5. A member of the council who is a member of the legislative assembly is entitled to
24 receive per diem compensation at the rate provided under section 54-35-10 for each
25 day performing official duties of the council and to reimbursement for travel and
26 expenses as provided by law, to be paid by the legislative council. A member of the
27 council who is not a state employee is entitled to receive as compensation sixty-two
28 dollars and fifty cents per day and to reimbursement of expenses as provided by law
29 for state officers while attending meetings of the council, to be paid by the state board
30 of public school education. A state employee who is a member of the council is entitled

1 to receive that employee's regular salary and is entitled to reimbursement for mileage
2 and expenses, to be paid by the employing agency.

3 6. The council may hire an executive director.

4 7. The council shall:

5 a. Assist in the implementation, dissemination, and communication of the statewide
6 strategic vision and evaluate progress toward meeting the identified goals and
7 strategies.

8 b. Perform a continuous review of the effectiveness and efficiency of access and
9 delivery of education services and programs in the state.

10 c. Identify opportunities for increased collaboration among state education entities
11 and stakeholders.

12 d. Identify gaps or duplications in education services and programs and provide
13 recommendations for addressing those gaps or duplications.

14 e. Study and evaluate new and emerging educational initiatives and trends and
15 provide recommendations for policy changes to state entities or the legislative
16 assembly if necessary.

17 f. Support the implementation, dissemination, and communication of local or
18 regional educational initiatives and practices, including innovative education
19 programs, on a statewide level.

20 g. Establish a one-stop communication and information hub to provide the public
21 and interested parties with seamless access to state entities that deliver
22 education services and programs.

23 h. Develop and utilize subcommittees as needed.

24 i. Seek advice and input from interested parties not appointed to the council as
25 needed.

26 8. The council shall meet at least four times per calendar year.

27 9. The council shall prepare and present an annual report of council activities to the state
28 board of public school education and to the legislative management.

29 ~~SECTION 2. AMENDMENT. Subsection 1 of section 15.1-07-33 of the North Dakota~~
30 ~~Century Code is amended and reenacted as follows:~~

~~1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, or the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in PowerSchool.~~

SECTION 2. AMENDMENT. Subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency must be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
 - a. The office of management and budget except with respect to rules made under section 32-12.2-14, rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the classified service as authorized under section 54-44.3-07, and rules relating to state purchasing practices as required under section 54-44.4-04.
 - b. The adjutant general with respect to the department of emergency services.
 - c. The council on the arts.
 - d. The state auditor.
 - e. The department of commerce with respect to the division of economic development and finance.
 - f. The dairy promotion commission.
 - g. The education factfinding commission.
 - h. The ~~educational technology~~ kindergarten through grade twelve education coordination council.
 - i. The board of equalization.
 - j. The board of higher education.

- 1 k. The Indian affairs commission.
- 2 l. The industrial commission with respect to the activities of the Bank of North
- 3 Dakota, North Dakota housing finance agency, public finance authority, North
- 4 Dakota mill and elevator association, North Dakota farm finance agency, the
- 5 North Dakota transmission authority, and the North Dakota pipeline authority.
- 6 m. The department of corrections and rehabilitation except with respect to the
- 7 activities of the division of adult services under chapter 54-23.4.
- 8 n. The pardon advisory board.
- 9 o. The parks and recreation department.
- 10 p. The parole board.
- 11 q. The state fair association.
- 12 r. The attorney general with respect to activities of the state toxicologist and the
- 13 state crime laboratory.
- 14 s. The administrative committee on veterans' affairs except with respect to rules
- 15 relating to the supervision and government of the veterans' home and the
- 16 implementation of programs or services provided by the veterans' home.
- 17 t. The industrial commission with respect to the lignite research fund except as
- 18 required under section 57-61-01.5.
- 19 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
- 20 for the risk assessment of sexual offenders, the risk level review process, and
- 21 public disclosure of information under section 12.1-32-15.
- 22 v. The commission on legal counsel for indigents.
- 23 w. The attorney general with respect to twenty-four seven sobriety program
- 24 guidelines and program fees.
- 25 x. The industrial commission with respect to approving or setting water rates under
- 26 chapter 61-40.

27 **SECTION 3. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
28 Code is amended and reenacted as follows:

- 29 1. The statewide longitudinal data system committee consists of:
- 30 a. The commissioner of the board of higher education or the commissioner's
- 31 designee;

- 1 b. The superintendent of public instruction or the superintendent's designee;
- 2 c. The chief information officer or the officer's designee;
- 3 d. The director of the department of career and technical education or the director's
- 4 designee;
- 5 e. The director of job service North Dakota or the director's designee;
- 6 f. The commissioner of commerce or the commissioner's designee;
- 7 g. The director of the department of human services or the director's designee;
- 8 h. ~~The director of the North Dakota educational technology council;~~
- 9 i. The executive director of the North Dakota council of educational leaders or the
- 10 executive director's designee;
- 11 j.i. The director of the North Dakota workforce development council or the director's
- 12 designee; and
- 13 k.j. Two members of the legislative assembly appointed by the chairman of the
- 14 legislative management.

15 **SECTION 4. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
16 are repealed.