

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2/66

2001 SENATE EDUCATION

SB 2166

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2166

Senate Education Committee

☐ Conference Committee

Hearing Date 01-23-01

Tape Number	Side A	Side B	Meter #
1		x	20.9 - end
2	x		0 - 15.9
1 (02-12-01)		x	17.2 - 42.6
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on SB 2166 which relates to waiver of accreditation rules by the Supt. Of Public Instruction.

**Testimony in support of SB 2166.**

GREG GALLAGHER, Education Improvement Team Leader, DPI, testified in support of SB 2166. (see attached).

SENATOR CHRISTENSON asked if the measure for student performance was on the basis of standardized testing. MR. GALLAGHER stated that testing is not the only tool to be used, and this allows the districts to determine the best tool for them to use. The importance is that the districts do measure performance aligned to the state's content standards. SENATOR WANZEK wondered if we are going to waiver rules for one entity, should we open the waiver process to all. MR. GALLAGHER responded that certain elements need to stay and should not be waived. SENATOR O'CONNELL asked how we can justify expanding the committee from 3 to 7 board members when we are trying to decrease government, and how often does the board meet. MR.

GALLAGHER responded that waiver committees meet as often as they need to, which is infrequently. Attached to his testimony is a list of waiver requests. He also feels the fiscal note is realistic. SENATOR COOK asked about the amount of waiver requests and the criteria for a waiver. SENATOR FREBORG stated he has some reservations on waivers given for early dismissal (or less school days). MR. GALLAGHER stated that the waivers are put forth under the current system and the waivers have anchor in student performance. SENATOR O'CONNELL asked what the duties of an educational improvement team leader are. MR. GALLAGHER stated it is a term associated with some of the committees organized during GOAL 2000, which is not in effect any more. SENATOR KELSH asked if this committee would have the power to waive the credentials for superintendents, or certification/qualifications for teachers. He stated the credentials would fall under this, but licensure would not. SENATOR KELSH wondered if this is a move toward charter schools. MR. GALLAGHER stated that HB 1172 deals with charter school options. He further explained the difference between the waivers in SB 2166 and any waiver approach that would be akin to charter schools. There is a separate proposal in HB 1172 to deal with the expansion of waiver opportunities that would be traditionally understood to be charter school options. SENATOR KELSH asked what amount of FED funds would be available if ND had a charter school law. MR. GALLAGHER stated there is an application process and over the past several years, Congress has appropriated \$90 million to be disbursed among appropriate states. SENATOR O'CONNELL asked if 173 days can be waived, is there anything that can't be waived. MR. GALLAGHER stated that licensure, health and safety can not be waived. In NDCC 15.1-06-04 the school calendar is identified, and in NDCC 15.1-06-05 the reasons are stated to exempt from the law of 173 days of school.

**Testimony in opposition to SB 2166.**

LARRY KLUNDT, ND Council of Education Leaders (NDCEL), testified in opposition to the bill. NDCEL believes the waivers and the waiver committee were put in place to provide schools with options. (example: Professional Development Leave: the committee agreed it was a good idea to create time for teachers for professional development which was supported by DPI and then put in place). The reason NDCEL has some opposition to this bill is they were not aware there is a problem that this legislation will solve.

BEV NIELSON, ND School Board Association (NDSBA), feels there are some specifics in the bill that are not needed, such as the requirement to meet state standards in English and Math in order to be eligible for a waiver. NDSBA is unaware of any problems with the current law. She wonders if this could further enhance political discussions and politicize the process by asking the Legislature involved in this process.

JOE WESTBY, ND Education Association (NDEA), feels the waiver committee has functioned effectively and efficiently in the past and sees no reason to change the structure or increase the cost of its operations.

SENATOR KELSH asked if the Supt. Of Public Instruction is able to override the decision of the waiver committee. He can. The committee is only to recommend. However, if the Supt. decides to grant a waiver and asks the committee for their recommendation, he needs the consensus of the committee by a majority.

DICK SCHAFFAN, Supt. Of Schools for Stanton, feels the waiver program works well. Their school used their waiver for their curriculum consortium. They meet 3 times a year ( for 1 - 1 ½ hours each time) and work on their curriculum to make their standards in line with the state standards.

GREG GALLAGHER testified that the waiver for Oliver/Mercer County was approved through the waiver committee, NDCC 15.1-06-08. They could have used the NDCC 15.1-06-05.

SENATOR COOK stated there are conditions to be met in 15.1-06-05 that are not in 15.1-06-08.

There was no further testimony on SB 2166.

**The hearing was closed on SB 2166.**

**02-12-01, Tape 1, Side B, 17.2 - 42.6**

SENATOR FREBORG distributed an amendment (18234.0102) to the committee members. It basically replaces the bill. He stated that with the amendment the accountability rests on DPI and the Superintendent. Legislative Council will designate the waiver committee. ANITA THOMAS, Legislative Council, explained the amendment to the committee. Current law allows the waiver of certain accreditation and approval roles provided the superintendent has the concurrence of a waiver committee. The intent is that there not be an abuse of discretion. The reason for repealing Sec. 15.1-06-05 is that this bill, as hog housed, does not require 15-05, if the school wanted to modify its school calendar, it could apply for a waiver. It would be considered duplicative.

**SENATOR COOK moved to adopt the amendment. Seconded by SENATOR WANZEK.**

SENATOR KELSH is not comfortable with the makeup of the waiver committee. He feels the committee should be expanded to include some people with education backgrounds. He feels the committee could politicize the department's decision. More committee discussion.

**Roll Call Vote: 5 YES. 2 NO. 0 Absent. Amendment adopted.**

**SENATOR COOK moved a DO PASS as Amended. Seconded by SENATOR WANZEK.**

**Roll Call Vote: 5 YES. 2 NO. 0 Absent. Motion Carried.**

**Carrier: SENATOR COOK**

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/14/2001

Bill/Resolution No.:

Amendment to: SB 2166

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Engrossed SB 2166 (18234.0200) removes the current waiver committee from state law and provides for a report to the legislative council on all approved waivers.

Since all waivers would be reviewed and approved by the State Superintendent, there are expected to be no additional costs incurred by Engrossed SB 2166, beyond activities currently covered within the operational budget of the Department of Public Instruction

The anticipated fiscal impact by Engrossed SB 2166 (18234.0200) is \$0.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the*

*executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Greg Gallagher	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-1838	<b>Date Prepared:</b>	02/16/2001

**FISCAL NOTE**  
Requested by Legislative Council  
12/26/2000

Bill/Resolution No.: SB 2166

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$2,000	\$0	\$2,000	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

SB 2166 provides for the expansion of the current waiver committee from three to seven individuals.

Given the nature of the work of the waiver committee, where waiver proposals are prepared in writing and the proposals' merits are deliberated, a combination of in-person and conference call meetings is appropriate to conduct its business.

It is estimated that using a combination of two conference call and in-person meetings per year, the waiver committee will encounter an additional cost of \$1,000 per year to cover travel and per diem costs. No stipends are issued to committee members. This amounts to \$2000 for the biennium and would come from the Department of Public Instruction's operating budget.

It is proposed that an appropriation of \$2000 be affixed to SB 2166.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Greg Gallagher	Agency:	Public Instruction
Phone Number:	328-1838	Date Prepared:	01/10/2001

1-29-01

PROPOSED AMENDMENTS TO SENATE BILL NO. 2166

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-06-08 of the North Dakota Century Code, relating to the waiver of accreditation rules by the superintendent of public instruction; and to repeal section 15.1-06-05 of the North Dakota Century Code, relating to modification of the school calendar.

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

**SECTION 1. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval -  
Waiver. ~~The~~**

1. ~~A school or school district may apply to the superintendent of public instruction may waive any condition for a waiver of any rule governing the accreditation and approval for a reasonable period of time of schools, provided the waiver encourages;~~
  - a. ~~Encourages~~ innovation, ~~permits experimentation;~~ and ~~has~~
  - b. ~~Has the potential to result in an improved program. The superintendent may waive the conditions only with the concurrence of a majority of a waiver committee composed of one member appointed by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, and one member appointed by the North Dakota school boards association educational opportunities or enhanced academic opportunities for the students.~~
2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section, may apply for one extension of the waiver. The extension may not exceed one year.
3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall appear before the committee and respond to questions regarding the approval or denial of any application for a waiver.
4. Any waiver granted by the superintendent of public instruction prior to the effective date of this Act is void as of the effective date of this Act. Any school or school district operating under a waiver granted by the superintendent prior to the effective date of this Act may apply for a new waiver under this Act.

5. Nothing in this section permits the superintendent of public instruction to waive in whole or in part any statute or any accreditation rule that is identical to or similar to any statute enacted by the legislative assembly.

**SECTION 2. REPEAL.** Section 15.1-06-03 of the North Dakota Century Code is repealed."

Renumber accordingly

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2161**

<b>Senate</b>	<b>Education</b>	<b>Committee</b>
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Subcommittee on \_\_\_\_\_

**or**

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken adopt amendment 18234-0102

Motion Made By Sen. Cook Seconded By Sen. Wanzel

[illegible]

Total (Yes) 5 No 2

Absent 0

**Floor Assignment** \_\_\_\_\_

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

**Roll Call Vote #:**

**BILL/RESOLUTION NO.** 2166

## Committee

☐ Subcommittee on

☐ Conference Committee

**Legislative Council Amendment Number**

### Action Taken

**Seconded  
By**

[illegible]

Total (Yes)

**Absent**

## Floor Assignment

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

**REPORT OF STANDING COMMITTEE**

**SB 2166: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-06-08 of the North Dakota Century Code, relating to the waiver of accreditation rules by the superintendent of public instruction; and to repeal section 15.1-06-05 of the North Dakota Century Code, relating to modification of the school calendar.

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

**SECTION 1. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. Conditions Rules for school accreditation and approval -**  
**Waiver.**~~The~~

1. A school or school district may apply to the superintendent of public instruction may waive any condition for a waiver of any rule governing the accreditation and approval for a reasonable period of time of schools, provided the waiver encourages;
  - a. Encourages innovation, permits experimentation, and has
  - b. Has the potential to result in an improved program. The superintendent may waive the conditions only with the concurrence of a majority of a waiver committee composed of one member appointed by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, and one member appointed by the North Dakota school boards association educational opportunities or enhanced academic opportunities for the students.
2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section, may apply for one extension of the waiver. The extension may not exceed one year.
3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall appear before the committee and respond to questions regarding the approval or denial of any application for a waiver.
4. Any waiver granted by the superintendent of public instruction prior to the effective date of this Act is void as of the effective date of this Act. Any school or school district operating under a waiver granted by the

superintendent prior to the effective date of this Act may apply for a new  
waiver under this Act.

5. Nothing in this section permits the superintendent of public instruction to  
waive in whole or in part any statute or any accreditation rule that is  
identical to or similar to any statute enacted by the legislative assembly.

**SECTION 2. REPEAL.** Section 15.1-06-05 of the North Dakota Century Code  
is repealed."

Renumber accordingly

2001 HOUSE EDUCATION

SB 2166


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2166

House Education Committee

☐ Conference Committee

Hearing Date Feb. 28, 2001

Tape Number	Side A	Side B	Meter #
1	X		22.4
		X	-16.04
Committee Clerk Signature 			

Minutes:

Greg Gallagher: *E.I.T.L.* **Written testimony in support of bill.**

Wilfred Volesky: *Sup. Beulah School District* **Written testimony in opposition.**

Rep Nelson: Are there any other options available?

Volesky: Not when we have a chunk of schools trying to work together, local areas decide the schools calendars.

Gail Wald: (47.9) *Principal Beulah Middle School* **Written testimony in opposition.**

Rep Nottestad: How much coordination do you use with other schools' curriculum?

Wald: We use them immensely as a reference but not as a specified guide.

Rep Thoreson: What about a paid day before the school year starts?

Wald: It is much easier on everyone to work together as the year evolves.

Rep Hawken: Do these seminars go longer than 3:30?

Wald: Yes, until about 4:30 or 5:00 usually.

Page 2  
House Education Committee  
Bill/Resolution Number SB 2166  
Hearing Date Feb. 28, 2001

Max Lier: I agree partially with Mr. Gallaghers testimony yet I feel all of this is very punitive. I respect this bill but I feel a do not pass is in order.

Rep Brusegard: Is the current law working?

Lier: We've had nine requests in five years and all have bee addressed to the best situations.

Rep Thoreson: Minimum requests, will that be the trend?

Lier: There is an extreme pressure for more innovating teaching and I think requests may grow but they will, and always have been, examined carefully.

Bev Nelson: We oppose the engrossed version of the bill. This is a small cost to pay for good quality schooling.

Dick Schaffer: *Supt. Stanton* I oppose the bill. Most of our teachers also coach or run extracurricular activities. This provides more quality students and teachers.

Chairman Kelsch: We'll close SB 2166.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2166 A

House Education Committee

☐ Conference Committee

Hearing Date 03/21/01

Tape Number	Side A	Side B	Meter #
#1	X		521 to 2595
Committee Clerk Signature			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up SB2166.

Rep. Thoreson: I move the amendments.

Rep. Meier: Second.

**All voted in favor of the amendment except Rep. Solberg**

Rep. Bellew: I move a DO PASS AS AMENDED

Rep. Meier: Second.

Chairman Kelsch: Committee discussion?

The motion of DO PASS AS AMENDED passes with 8 YAY 7 NAY 0 ABSENT

Floor Assignment: Rep. Thoreson

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

Page 1, line 1, after "reenact" insert "subdivision b of subsection 1 of section 15.1-06-05 and"

Page 1, line 2, after the first "to" insert "the modification of the school calendar and" and replace "; and to" with a period

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one-hundred-eighty-day school calendar and if there is no reduction in the total number of instructional days required by subsection 1 of section 15.1-06-04."

Page 1, line 23, replace "one extension" with "extensions" and replace "The" with "Each"

Page 1, line 24, after the underscored period insert "A school or school district that operates for a period of three years under waivers granted in accordance with this section may apply to the superintendent of public instruction for permanent approval of the program."

Page 2, line 9, remove "if requested by the chairman of the"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "Any waiver granted by" with "The" and replace "prior to the effective" with "shall adopt rules governing the submission of applications, the evaluation of applications, and any other matters necessary for the administration of waivers under this section."

Page 2, remove lines 13 through 20

Renumber accordingly

Date: 3/21/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2166

House House Education

Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

Do Pass As Amended

Motion Made By

Rep. Bellew

Seconded By

Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch		✓	Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		✓
Rep. Larry Bellew	✓		Rep. Bob Hunsakor		✓
Rep. C.B. Haas		✓	Rep. Phillip Mueller		✓
Rep. Kathy Hawken		✓	Rep. Dorvan Solberg		✓
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 8 No 7

Absent \_\_\_\_\_

Floor Assignment Rep. Thoreson

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

**REPORT OF STANDING COMMITTEE**

**SB 2166, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision b of subsection 1 of section 15.1-06-05 and"

Page 1, line 2, after the first "to" insert "the modification of the school calendar and" and replace "; and to" with a period

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one-hundred-eighty-day school calendar and if there is no reduction in the total number of instructional days required by subsection 1 of section 15.1-06-04."

Page 1, line 23, replace "one extension" with "extensions" and replace "The" with "Each"

Page 1, line 24, after the underscored period insert "A school or school district that operates for a period of three years under waivers granted in accordance with this section may apply to the superintendent of public instruction for permanent approval of the program."

Page 2, line 9, remove "If requested by the chairman of the"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "Any waiver granted by" with "The" and replace "prior to the effective" with "shall adopt rules governing the submission of applications, the evaluation of applications, and any other matters necessary for the administration of waivers under this section."

Page 2, remove lines 13 through 20

Renumber accordingly

2001 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2166

# 2001 SENATE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. SB 2166

Senate Education Committee

☒ Conference Committee

Hearing Date 04-06-01

Tape Number	Side A	Side B	Meter #
1	x		30.1 - end
1		x	0 - 6.7
1 (04-11-01)	x		38.0 - 58.2
1 (04-13-01)	x		0 - 30.2
1 (4-18-01)	X		15.0 - 46.4
1 (04-19-01)		x	18.1 - 23.0
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: Report of CONFERENCE COMMITTEE on SB 2166:

Members:      SENATOR COOK                      REPRESENTATIVE L. THORESON  
                     SENATOR FLAKOLL                      REPRESENTATIVE MEIER  
                     SENATOR O'CONNELL                      REPRESENTATIVE GRUMBO

SENATOR COOK called the conference committee to order. Roll Call was taken with all (6) members present.

SENATOR COOK explained that SB 2166 deals with the waiver law. As introduced, it was to expand the waiver committee. The Senate hoghoused the bill that eliminated the existing waiver committee. It made it clear that only rules for accreditation could be waived, not any statute enacted by the legislative assembly. It also put the authority to waive solely in the hands of the Superintendent of DPI. He also is to report to a committee designated by the Legislative Council

whether he waived rules or did not. It voids all waivers approved before the effective date of this act.

REPRESENTATIVE THORESON stated the House amendments try to clarify a couple things. The intent of the House is similar to what was received from the Senate. They (the waiver committee or Superintendent) cannot waive the school calendar short of the 173 instructional days. The House also thought the Senate had approved a waiver for one year and then the school could apply for and get an extension for one more year. The House took off the one/two year limit. They stated that the school could apply for a permanent approval of the waiver if they are granted one for three consecutive years. Their change on subsection 3 they feel is less intrusive. There aren't a lot of waivers in the first place. REP. THORESON also feels that if the Superintendent is asked, he is obligated to give a report.

SENATOR COOK asked about how long the waiver law has been in effect. They think since 1989. REP. GRUMBO feels the law has tied the hands of local districts in developing innovative ideas by how the law has been interpreted. SENATOR COOK asked if the committee feels the Superintendent should be able to waive rules that are in statute. REP. GRUMBO feels there should be some flexibility. REP. THORESON feels the Superintendent should be able to waive accreditation rules in some cases, and he should be the judge of that. SENATOR COOK felt the Senate Education Committee tried to write the law for waivers to clarify the intent of the legislature. REP. THORESON stated the intent of the House committee is to provide 1173 school days, the Superintendent can deal with the waivers, and he can report to the Legislative Council so the legislature can oversee the process. There was discussion as to administrative rules and statute.

GREG GALLAGHER, DPI, presented waiver laws to do with accreditation to the committee.

(see attached). MR. GALLAGHER stated the accreditation rules reflect ND Century Code which is shown at the end of each chapter. This section (15.1-02-11) which is referenced at the end of several chapters deals with the Superintendent's responsibilities. REPRESENTATIVE THORESON wondered if a district would want year round school, what would they have to do. MR. GALLAGHER replied that they would probably go through the waiver procedure or the school modification procedure. He really can't say.

There are still questions the committee would like answered as to waivers; who has the authority to grant them and to what extent should they be able to waive. Who is accountable for it and should statute be allowed to be waived.

**Committee adjourned.**

**04-11-01, Tape 1, Side A, 38.0 - 58.2**

**SENATOR COOK** called the committee to order with five (5) present and one absent (SEN. O'CONNELL).

SENATOR COOK presented the committee with a printout of portions of Century Code that are referenced in the Administrative Rules.(see attached).

GREG GALLAGHER, DPI, put together (7) seven different scenarios as to what can be waived comparing the House and Senate versions. (see attached). He explained the scenarios.

SENATOR THORESON said he felt the House version appears to be as flexible as can be.

SENATOR COOK would like to have the committee adjourn and think about the proposals.

**The committee adjourned.**

**04-13-01, Tape 1, Side A, 0 - 30.2**

**SENATOR COOK called the conference committee to order. Roll call was taken with all (6) members present.**

SENATOR COOK stated the reason for the meeting was to answer the question of whether DPI has the right to waive Century Code. He feels no one has the right to waive law. Now the legislature has transferred the right to waive to the superintendent instead of a committee.

REPRESENTATIVE L. THORESON feels DPI has the resources to make good decisions dealing with waivers. SENATOR COOK asked if we want one individual in the executive branch of government be able to legislate, which is what is happening with the waivers. Why would we want them to be able to waive a statute that was passed by the assembly. He asked REP. THORESON if he would rather have Legislative Council waive the law. REP.

THORESON replied he would rather have someone who is working with education on a daily basis be in the situation to make the adaptations. REPRESENTATIVE GRUMBO feels we have covered the 173 days of attendance and the core curriculum with safeguards as to what can be waived. SENATOR COOK feels once a decision is made, it should stick (not be waived). He has concerns with one person being able to waive statute. REP. THORESON feels there should still be room for flexibility and the logical person is the superintendent. He feels if there are no waivers, it will restrict innovative ideas. SENATOR COOK feels there is enough flexibility in the Senate version without being able to waive statute. He has no problem with Administrative Rules being waived but he does not feel Century Code should be waived. If there are some things that should not be in Century Code, then maybe through discussions in the interim, this could be explored next session. REPRESENTATIVE THORESON asked if we should do away with the waiver program. Then we need to take another look at the bill. He asked what can be waived? SENATOR COOK stated anything in Administrative Rules. (see Greg Gallagher

examples #6). REPRESENTATIVE THORESON sees schools asking for waivers to waive rules that stop innovative ideas from being implemented. He doesn't feel they are trying to waive statute. He also feels DPI needs flexibility. SENATOR COOK feels if someone doesn't like the law, it can be taken up with the legislature and be changed through the legislative process. **SENATOR COOK adjourned the committee to think on these ideas over the weekend.**

**04-18-01, Tape 1, Side A, 15.0 - 46.4**

**SENATOR COOK** called the conference committee to order. Roll call was taken with all (6) members present.

**SENATOR COOK** presented an amendment (18234.0202) for the committee to consider. The difference between the two bills is the repealer. Section 2 repeals section 15.1-06-05. This amendment changes the language in 15.1-06-05.

ANITA THOMAS, LC, explained the section of law (15.1-06-05). This concept came about from a Colorado project with a four-day school week. This was done to experience a cost savings such as on bus fuel and heating fuel. This was designed only for cost savings, not for waivers, etc. Amendment 18234.0202 starts with the premise that school be 173 days. In reconfiguring the instructional days, they used hours for the requirement. (Right now, the required hours for an elementary student is 5.5 instructional hours per day.) A district can not reduce the hours for an instructional day. A waiver is valid for one year with a one year extension. Then the district can ask for statutory flexibility to continue.

**SENATOR COOK** stated these amendments would remove the concerns of the Senate members who put the repealer in the bill. **SENATOR O'CONNELL** asked if this meant the Superintendent could not waiver anything less then 5.5 instructional hours, but the school could

go more? SENATOR COOK stated his intent was the hours had to be what is in law, but the number of days could be less. Subsection 5 seems to be a concern to the House members.

REPRESENTATIVE THORESON stated that he feels a blanket waiver is not what is needed.

REPRESENTATIVE GRUMBO presented a possible amendment for consideration (18234.0200). More discussion on the two amendments and the engrossed bill.

GARY GRONBERG, DPI, spoke briefly. He stated that the school accreditation situation applies to two schools. They do block scheduling and have for a number of years. (Dickinson and LaMoure). More discussion on trying to "get a handle on waivers".

REPRESENTATIVE THORESON wondered if both amendments can be adopted. The intent of the committee seems to be the ability to waive instructional time, but nothing else.

REPRESENTATIVE THORESON and SENATOR COOK will work on an amendment that will be agreeable to all.

**Committee Adjourned.**

**04-19-01, Tape 1, Side B, 18.1 - 23.0**

SENATOR COOK called the conference committee to order. Roll Call was taken with all (6) members present.,

**REPRESENTATIVE THORESON moved the House recede from the House amendments and adopt the amendments 18234.0203. Seconded by SENATOR O'CONNELL.**

The change is in Section 3 and has to do with statute waivers. The statute will now read the superintendent may not waive any statute in whole or part unless it is mentioned in this section which has to do with instructional time.

Page 7

Senate Education Committee

Bill/Resolution Number SB 2166

Hearing Date 04-06-01

SENATOR FLAKOLL asked what is the longest period of time for a waiver. He was told it is for one year which can be extended for one year and then it can be ongoing for two years at a time. During this time the Legislature will meet and perhaps decide there did not need to be a waiver for this.

**Roll Call Vote on the motion. 6 YES. 0 NO. 0 Absent. Motion Carried.**

Carrier: SENATOR COOK/REPRESENTATIVE THORESON

The conference committee was dissolved.

April 17, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

That the House recede from its amendments as printed on pages 1030 and 1031 of the Senate Journal and pages 1105 and 1106 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, replace "section" with "sections 15.1-06-05 and"

Page 1, line 2, replace "; and to" with "and reconfiguration of instructional time."

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-05. ~~School calendar~~ Modification Instructional days -**  
**Reconfiguration - Application.** ~~A school district may apply to the superintendent of public instruction for approval of a pilot program in which the district's school calendar is reduced below one hundred eighty days.~~

1. ~~The superintendent may approve an application for a pilot program if:~~
  - a. ~~It allows the district to evaluate the modifications in the traditional school calendar from the perspective of increased school facility use; and~~
  - b. ~~In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one hundred eighty day school calendar.~~
2. ~~A district submitting an application under this section shall specify:~~
  - a. ~~The minimum number of days students will attend school; and~~
  - b. ~~The comparable instructional time.~~
3. ~~A school district may apply to the superintendent of public instruction for permission to reconfigure the number of instructional days required by section 15.1-06-04.~~
2. The superintendent of public instruction may approve an application under subsection 1 only if the reconfiguration of the required number of instructional days:
  - a. (1) Makes available to each of the school district's elementary students at least nine hundred fifty-one and one-half hours of instructional time and makes available to each of the district's high school students at least one thousand thirty-eight hours of instructional time; and
  - (2) Does not reduce the hours of instructional time below the level made available to elementary students and high school

students, respectively, by the school district during the last school year completed prior to the date of the application; and

- b. (1) Encourages innovation;
  - (2) Provides improved educational opportunities or enhanced academic opportunities for the students;
  - (3) Provides for greater flexibility in the use of a school by current students;
  - (4) Provides for greater flexibility in the use of a school by individuals or groups other than current students; or
  - (5) Results in significant cost-savings to the district.
- 3. A reconfiguration of instructional days approved by the superintendent of public instruction under this section is valid for one school year. A school district may apply to the superintendent for permission to extend the reconfiguration of instructional days for one additional year.
  - 4. If the superintendent of public instruction approves a district's application for reconfiguration of instructional time under this section, the district is eligible to receive the per student payments provided under chapter ~~15.1-28~~ 15.1-27.
  - 4. ~~A district that operates an approved pilot program under this section for a period of three years may apply to the superintendent for permanent approval of the program.~~
  - 5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications, ~~the evaluation of proposals, and any other matters necessary for the administration of pilot programs~~ under this section.
  - 6. A ~~pilot program~~ reconfiguration of instructional days approved by the superintendent of public instruction under this section satisfies the requirements for school operation and instructional time required by law.
  - 7. A ~~pilot program~~ reconfiguration of instructional days approved by the superintendent of public instruction under this section does not affect the accrual of teachers' benefits provided by law."

Page 2, remove lines 19 and 20

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

That the House recede from its amendments as printed on pages 1030 and 1031 of the Senate Journal and pages 1105 and 1106 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "A BILL" replace remainder of the bill with "for an act to create and enact section 15.1-06-08.1 of the North Dakota Century Code, relating to the waiver of statutes; and to amend and reenact sections 15.1-06-05 and 15.1-06-08 of the North Dakota Century Code, relating to the reconfiguration of instructional days and the waiver of accreditation rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-05. ~~School calendar~~ Modification Instructional days -**  
**Reconfiguration - Application.** ~~A school district may apply to the superintendent of public instruction for approval of a pilot program in which the district's school calendar is reduced below one hundred eighty days.~~

- ~~1. The superintendent may approve an application for a pilot program if:~~
  - ~~a. It allows the district to evaluate the modifications in the traditional school calendar from the perspective of increased school facility use; and~~
  - ~~b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one hundred eighty day school calendar.~~
- ~~2. A district submitting an application under this section shall specify:~~
  - ~~a. The minimum number of days students will attend school; and~~
  - ~~b. The comparable instructional time.~~
- ~~3. A school district may apply to the superintendent of public instruction for permission to reconfigure the number of instructional days required by section 15.1-06-04.~~
2. The superintendent of public instruction may approve an application under subsection 1 only if the reconfiguration of the required number of instructional days:
  - a. (1) Makes available to each of the school district's elementary students at least nine hundred fifty-one and one-half hours of instructional time and makes available to each of the district's high school students at least one thousand thirty-eight hours of instructional time; and
  - (2) Does not reduce the hours of instructional time below the level made available to elementary students and high school

students, respectively, by the school district during the last school year completed prior to the date of the application; and

- b. (1) Encourages innovation;
  - (2) Provides improved educational opportunities or enhanced academic opportunities for the students;
  - (3) Provides for greater flexibility in the use of a school by current students;
  - (4) Provides for greater flexibility in the use of a school by individuals or groups other than current students; or
  - (5) Results in significant cost-savings to the district.
3. A reconfiguration of instructional days approved by the superintendent of public instruction under this section is valid for one school year. A school district may apply to the superintendent for permission to extend the reconfiguration of instructional days for one additional year.
  4. If the superintendent of public instruction approves a district's application for reconfiguration of instructional time under this section, the district is eligible to receive the per student payments provided under chapter 16.1-28 15.1-27.
  - ~~4. A district that operates an approved pilot program under this section for a period of three years may apply to the superintendent for permanent approval of the program.~~
  5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications, the evaluation of proposals, and any other matters necessary for the administration of pilot programs and the monitoring of any school or school district that receives a waiver under this section.
  6. A pilot program reconfiguration of instructional days approved by the superintendent of public instruction under this section satisfies the requirements for school operation and instructional time required by law.
  7. A pilot program reconfiguration of instructional days approved by the superintendent of public instruction under this section does not affect the accrual of teachers' benefits provided by law.

**SECTION 2. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval - Waiver.** ~~The~~

1. A school or school district may apply to the superintendent of public instruction may waive any condition for a waiver of any rule governing the accreditation and approval for a reasonable period of time of schools, provided the waiver encourages;
  - a. Encourages innovation, permits experimentation, and has
  - b. Has the potential to result in an improved program. The superintendent may waive the conditions only with the concurrence of a majority of a waiver committee composed of one member appointed

~~by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, and one member appointed by the North Dakota school boards association~~ educational opportunities or enhanced academic opportunities for the students.

2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section, may apply for one extension of the waiver. The extension may not exceed one year.
3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall appear before the committee and respond to questions regarding the approval or denial of any application for a waiver.
4. Any waiver granted by the superintendent of public instruction prior to the effective date of this Act is void as of the effective date of this Act. Any school or school district operating under a waiver granted by the superintendent prior to the effective date of this Act may apply for a new waiver under this Act.

**SECTION 3.** Section 15.1-06-08.1 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-08.1. Statutes - Waiver.**

1. The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided the waiver:
  - a. Encourages innovation; and
  - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
3. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall

appear before the committee and respond to questions regarding the approval or denial of any application for a waiver under this section.

5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Renumber accordingly

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

Senate Educational Conference Committee

☐ Subcommittee on \_\_\_\_\_

or  
☒ Conference Committee

**Legislative Council Amendment Number**

Legislative Council Amendment Number

Action Taken House recd. and amend  
adopt amend. 18234.0203

Motion Made By Roy Throuson Seconded By Ann O'Connell

[illegible]

Total (Yes) 6 No 0

Absent 0

**Floor Assignment** \_\_\_\_\_

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2166, as engrossed:** Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. L. Thoreson, Meier, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1030-1031, adopt amendments as follows, and place SB 2166 on the Seventh order:

That the House recede from its amendments as printed on pages 1030 and 1031 of the Senate Journal and pages 1105 and 1106 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "A BILL" replace remainder of the bill with "for an Act to create and enact section 15.1-06-08.1 of the North Dakota Century Code, relating to the waiver of statutes; and to amend and reenact sections 15.1-06-05 and 15.1-06-08 of the North Dakota Century Code, relating to the reconfiguration of instructional days and the waiver of accreditation rules.

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

**SECTION 1. AMENDMENT.** Section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-05. ~~School calendar~~ ~~Modification~~ ~~Instructional days~~ - ~~Reconfiguration - Application.~~** A school district may apply to the superintendent of public instruction for approval of a pilot program in which the district's school calendar is reduced below one hundred eighty days.

1. ~~The superintendent may approve an application for a pilot program if:~~
  - a. ~~It allows the district to evaluate the modifications in the traditional school calendar from the perspective of increased school facility use; and~~
  - b. ~~In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one hundred eighty day school calendar.~~
2. ~~A district submitting an application under this section shall specify:~~
  - a. ~~The minimum number of days students will attend school; and~~
  - b. ~~The comparable instructional time.~~
3. A school district may apply to the superintendent of public instruction for permission to reconfigure the number of instructional days required by section 15.1-06-04.
2. The superintendent of public instruction may approve an application under subsection 1 only if the reconfiguration of the required number of instructional days:
  - a. (1) Makes available to each of the school district's elementary students at least nine hundred fifty-one and one-half hours of instructional time and makes available to each of the district's high school students at least one thousand thirty-eight hours of instructional time; and

- (2) Does not reduce the hours of instructional time below the level made available to elementary students and high school students, respectively, by the school district during the last school year completed prior to the date of the application; and
- b. (1) Encourages innovation;
- (2) Provides improved educational opportunities or enhanced academic opportunities for the students;
- (3) Provides for greater flexibility in the use of a school by current students;
- (4) Provides for greater flexibility in the use of a school by individuals or groups other than current students; or
- (5) Results in significant cost-savings to the district.
3. A reconfiguration of instructional days approved by the superintendent of public instruction under this section is valid for one school year. A school district may apply to the superintendent for permission to extend the reconfiguration of instructional days for one additional year.
4. If the superintendent of public instruction approves a district's application for reconfiguration of instructional time under this section, the district is eligible to receive the per student payments provided under chapter 15.1-2815.1-27.
4. ~~A district that operates an approved pilot program under this section for a period of three years may apply to the superintendent for permanent approval of the program.~~
5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications, the evaluation of proposals, and any other matters necessary for the administration of pilot programs and the monitoring of any school or school district that receives a waiver under this section.
6. A pilot program reconfiguration of instructional days approved by the superintendent of public instruction under this section satisfies the requirements for school operation and instructional time required by law.
7. A pilot program reconfiguration of instructional days approved by the superintendent of public instruction under this section does not affect the accrual of teachers' benefits provided by law.

**SECTION 2. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval - Waiver.** ~~The~~

1. A school or school district may apply to the superintendent of public instruction may waive any condition for a waiver of any rule governing the accreditation and approval for a reasonable period of time of schools, provided the waiver encourages;

- a. Encourages innovation, permits experimentation, and has
  - b. Has the potential to result in an improved program. The superintendent may waive the conditions only with the concurrence of a majority of a waiver committee composed of one member appointed by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, and one member appointed by the North Dakota school boards association educational opportunities or enhanced academic opportunities for the students.
2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section, may apply for one extension of the waiver. The extension may not exceed one year.
  3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall appear before the committee and respond to questions regarding the approval or denial of any application for a waiver.
  4. Any waiver granted by the superintendent of public instruction prior to the effective date of this Act is void as of the effective date of this Act. Any school or school district operating under a waiver granted by the superintendent prior to the effective date of this Act may apply for a new waiver under this Act.

**SECTION 3.** Section 15.1-06-08.1 of the North Dakota Century Code is created and enacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided the waiver:
  - a. Encourages innovation; and
  - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
3. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.

4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with a committee designated by the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the committee designated by the legislative council. If requested by the chairman of the committee, the superintendent shall appear before the committee and respond to questions regarding the approval or denial of any application for a waiver under this section.
5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Renumber accordingly

Engrossed SB 2166 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY  
SB 2166

**TESTIMONY ON SB 2166  
SENATE EDUCATION COMMITTEE**

**January 23, 2001**

**By Greg Gallagher, Education Improvement Team Leader  
Department of Public Instruction  
328-1838**

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to speak in favor of SB 2166, to present an overview of this proposed amendment to the state's current waiver law, and to submit a minor drafting amendment to SB 2166.

SB 2166 amends the state's current waiver law (NDCC 15.1-06-08) by (1) limiting waivers to accreditation rules, (2) expanding the waiver committee from three to seven members, and (3) linking waivers to student performance. NDCC 15.1-06-08 allows for schools or districts to waive conditions for approval and accreditation and permits the substitution of these prescribed conditions with innovative educational practices. SB 2166 retains the waiver privilege and updates its application.

*(1) Remove references to approval; limit waivers to accreditation rules.*

SB 2166 updates the current waiver law by striking any reference to conditions of approval and limiting waivers to accreditation rules. This simple edit updates the waiver law to be consistent with all other NDCC references regarding administrative rules and to present a clearer understanding of approval law.

Within state law, approval refers to issues of teacher licensure, required subject matter, and health and safety. When NDCC 15.1-06-08 was originally enacted, teacher licensure responsibilities resided within the Department of Public Instruction. Since then, the ESPB and all matters related to teacher licensure have been removed from the control of the State Superintendent. Therefore, any waiver applications related to teacher licensure cannot be determined by the State Superintendent. Additionally, it appears inappropriate to consider any waiver that lessens health or safety laws. As such any references to the waiving of approval conditions by the State Superintendent, when two of the three conditions are either placed outside the State Superintendent's authority or

are ill-advised, makes approval waivers disallowable or inappropriate. Historical precedent and a proper reading of appropriate waiver conditions limit waivers to accreditation rules.

The Department of Public Instruction is proposing in separate legislation (SB 2149) to add school calendar as a fourth item of approval. If this were to be approved, then school calendars could not be waived under 15.1-06-08. However, school calendars could be modified with the approval of the State Superintendent under 15.1-06-05. This structure would retain the integrity of accreditation waivers and the protection of approval law.

(2) *Expanding the waiver committee membership.*

The most significant amendment to the current waiver law proposed through SB 2166 expands the waiver committee from three to seven members. The current membership of the state waiver committee consists of representatives of the North Dakota Education Association, the North Dakota Council of Educational Leaders, and the North Dakota School Boards Association. SB 2166 proposes to expand the committee by adding representatives appointed respectively by the Governor, the Superintendent of Public Instruction, the Speaker of the House, and the Senate Pro Tempore.

SB 2166 is proposed by the Department of Public Instruction to allow for a wider discussion of waiver applications among a larger gathering of educational stakeholder groups and key education policy makers. In a separate bill (HB 1172) the Department is proposing a comprehensive waiver option that allows for expanded privileges and funding options. To offer assurances to the public regarding accountability, the Department has recommended an expanded waiver committee consisting of the membership identified in SB 2166. SB 2166 seeks to establish comparability of waiver committee membership in the event HB 1172 becomes law. However, SB 2166 stands on its own merits regardless of the prospects of another legislative initiative.

Since the waiver law grants potentially wide dispensation from legal safeguards in replacement for innovative practices, assurances for quality and accountability are required. With the expanded use of standards-based practices, the Department anticipates future waiver requests that are wider and systemic in nature. These waivers may include the adoption of whole-scale scheduling changes, course selection, unit totals, student

ratios, and more. The Department believes that with the adoption of standards-based practices, such waivers may indeed prove beneficial and desirable. However, any such waivers require quality applications and assurances to the public of wider representation, including those ultimately responsible for educational quality.

The legislature defines the state's educational policy. The Governor's Office is instrumental in recommending funding levels for education. The Superintendent of Public Instruction administers state-level educational activities. The Department believes that it is appropriate to broaden the representation and bring additional voices to the discussion of what makes a systemic waiver a quality waiver. This newly constituted waiver committee would display a well-rounded representation of the various interests in education: teachers, administrators, school boards, legislators, the Governor, and the State Superintendent. Education in North Dakota will benefit from a wider discussion with more voices. The Department believes it is in the state's best interest to adopt this proposal.

(3) *Assurances of curricular alignment in English language arts and mathematics.*

A final provision within SB 2166 requires waiver applicants to offer assurances that they have curricula in English language arts and mathematics that are aligned with the state's content standards and that student progress can be reported in terms of these standards. Since districts can align curriculum in any number of manners without binding the creativity of schools, truly innovative approaches to the delivery of educational services can proceed. In the end, any waiver should ultimately reference itself to improvements in student performance. Linking waivers to student performance offers assurances that any innovations can be measured in terms of a common reference: the state's content standards.

Waivers offer a creative means to improve education statewide and a means to assure quality and accountability. SB 2166 updates the current law to resolve current conflicts in law, to link waivers to student performance, and to expand the level of discussion among the state's primary stakeholders.

Mr. Chairman, this completes my testimony. I am available to answer any questions from the committee.

## **Proposed Amendment to SB 2166**

Page 1, line 7: strike " and approval"

### **Recent Waiver Requests and Resolutions**

- |           |   |
|-----------|---|
| Pending   | Williams County Schools regarding early dismissal for staff development.  |
| Pending   | Kindred Public School District regarding early dismissal for staff development.   |
| Pending   | Upham Public School regarding early dismissal two and one-half hours each month beginning November, 2000, for professional development. Request approved contingent on receiving further information. No information has been received thus far.  |
| 1999-2001 | Oliver/Mercer County Schools regarding early dismissal from normal school day by an additional three days for staff development. Approved 1999-2000 school year with provision that evaluations be provided to DPI. Approved for 2000-2001 school year with provision that evaluations be provided to DPI.  |
| 1998      | Plaza Public School regarding waiver of elementary principal's credential requirement for accreditation for the 1998-99 school year. The Committee recommended to the State Superintendent that the request did not meet the criteria for an experimental or innovative approach. The Committee did suggest several options for the school district to consider. The waiver was dismissed.    |
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limited English proficient according to district policy and only for credit required for graduation, not elective subjects, and (3) to waive the major/minor law be granted for two academic years, 1997-99. The Committee further agreed that the Fargo Public School District respond to the success of the program with (1) data/information on transition, (2) content achievement, and (3) indicate future program development. State Superintendent granted the waiver.

1997      Diocese of Bismarck, St. Wenceslaus and St. Joseph Elementary Schools, Dickinson, regarding the waiving of statute for approval of certification of elementary teachers under the conditions outlined in NDCC 15-34.1-03. The Committee recommended no action on the part of the State Superintendent. The Committee attached an amendment that advised the three teachers to seek an appeal from the Education Standards and Practices Board according to their process. State Superintendent followed the recommendation of the Committee.

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1996      North Dakota Youth Correctional Center, Mandan, regarding a waiver of the Carnegie Unit required by state law before credit may be awarded for subject areas. The Committee recommended to YCC to prepare a plan and present additional information to the Committee. To date no plan has been presented.

**TESTIMONY ON SB 2166 PROVIDED TO THE HOUSE  
EDUCATION COMMITTEE ON FEBRUARY 28, 2001**

Madame Chairperson and the members of the House Education Committee, my name is Wilfred Volesky. I am the Superintendent of the Beulah School District and a member of the Oliver/Mercer Consortium of Schools. I was the individual that wrote the letter for the last two years to the Department of Public Instruction requesting the waiver that was granted to us. I am here today to thank you for allowing up to this point the opportunity for schools to benefit education in their districts through the waiver process. If it were not for the waiver process it would not have been possible for the Oliver/Mercer schools of Beulah, Center, Dodge, Golden Valley, Hazen and Stanton to do the curriculum work that was done. The beneficiaries of this curriculum were the 2326 students that attend our schools. After my presentation Mrs. Gail Wold, the curriculum coordinator for the Oliver/Mercer schools, will show you what we accomplished with our waiver.

Included in the packet is a letter that was sent to the Department of Public Instruction requesting the waiver that we received. This is one of the most positive aspects of this waiver in current law. A requesting school or consortium needs to submit a plan that is worthy of a waiver. They need to explain their purpose in specific detail and provide some form of evaluation so that they can be held accountable for the waiver. The committee, established in current law to review waivers, makes a determination as to whether the plan submitted will have an impact upon student learning and whether the waiver should be granted. From the information that I have received ever since this waiver process has been in existence there was only one waiver granted. So I don't believe that there has been an abuse of the waiver process.

In our plan the Oliver/Mercer schools asked to dismiss school at 1:30 p.m. on three separate days for staff development related to curriculum and to consider those days as normal school days. We have been developing curriculum in our consortium for eleven years. But even though the curriculum was established it was not being used like it should have by teachers because the teachers were never in serviced adequately. This waiver gave us the opportunity to in-service our teachers by making them aware of the curriculum expectations at every grade level as well as share different pedagogy in different curriculum areas. Today it is an expectation in our consortium that the established curriculum is to be used by our teachers.

So again I want to say thank you for allowing the waiver to exist in current law for as long as it has. If you pass SB 2166 the opportunity to request a waiver for anything that is in statute will be lost. In current law there is a committee that reviews all of the waivers to make sure that the plan submitted is educationally productive and to prevent abuse of the waiver process. If the committee structure needs to be expanded or changed somewhat please do that. But I plead with you not to discontinue the waiver, as it currently exists in present law.

I ask that you oppose SB 2166. Thank you.

**TESTIMONY ON ENGROSSED SB 2166  
HOUSE EDUCATION COMMITTEE**

**February 28, 2001**

**By Greg Gallagher, Education Improvement Team Leader  
Department of Public Instruction  
328-1838**

Madam Chairperson and Members of the House Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to speak in conditional favor of Engrossed SB 2166, to present an overview of this proposed amendment to the state's current waiver law, and to submit several substantive amendments to SB 2166.

SB 2166 amends the state's current waiver law (NDCC 15.1-06-08) by (1) limiting waivers to accreditation rules, (2) limiting accountability for the approval of waiver applications to the state superintendent, (3) requiring the review of all waiver activity by the Legislative Council, and (4) repealing the current calendar modification law (15.1-06-05). SB 2166 originated as a proposal from the Department of Public Instruction; however, the Senate Education Committee substantially amended the bill and introduced several provisions that alter the original intent of the bill. The Department has prepared several amendments that redirect certain redactions of the Senate version.

NDCC 15.1-06-08 allows for schools or districts to waive conditions of approval and accreditation and permits the substitution of these prescribed conditions with innovative educational practices. SB 2166 retains the waiver privilege for accreditation rules only and introduces several new accountability components.

*(1) SB 2166 removes references to approval and limits waivers to accreditation rules.*

SB 2166 updates the current waiver law by striking any reference to conditions of approval and limiting waivers to accreditation rules. This simple edit updates the waiver law to be consistent with all other NDCC references regarding administrative rules and to present a clearer understanding of approval law.

*(a) Defining the proper areas for waivers.*

Within state law, approval refers to issues that include teacher licensure, required subject matter, minimal calendar and health and safety. When NDCC 15.1-06-08 was

originally enacted, teacher licensure responsibilities resided within the Department of Public Instruction. Since then, the ESPB and all matters related to teacher licensure have been removed from the control of the State Superintendent. Therefore, any waiver applications related to teacher licensure cannot be determined by the State Superintendent. Additionally, it appears inappropriate to consider any waiver that lessens health or safety laws. As such any references to the waiving of approval conditions by the State Superintendent, when two of the four conditions are either placed outside the State Superintendent's authority or are ill-advised, makes approval waivers disallowable or inappropriate. Common practice and a proper reading of waiver conditions limit waivers to accreditation rules.

*(b) Protecting the school calendar and modification options.*

State law allows for one other type of waiver: modification of school calendar. School calendars are defined in 15.1-06-04 and can be modified with the approval of the State Superintendent under 15.1-06-05. The Senate has edited SB 2166 to repeal the school calendar modification law. This is driven, we surmise, by a clear intent to limit any proposals that erode the current 173-day instruction baseline. However, the Senate version would eliminate other important calendar innovations, like block scheduling. The Department proposes, instead, an alternative amendment to accomplish the aims of protecting the 173-day limit without causing unintentional collateral damage to other initiatives, like block scheduling. This proposal would amend the calendar modification law to prohibit any activities that lessen the current 173-day instructional limit.

*(c) Let waivers be waivers.*

SB 2166, subsection 5, eliminates any possible waiving of accreditation rules that are identical or similar to any statute enacted by the legislative assembly. This provision is unnecessarily far-reaching in its effect and should be deleted. Most accreditation rules find some level of authority within state law. This subsection carries the effect of forcing fine-line interpretations of what "similar to any statute" means, deterring potentially laudable innovations, or completely gutting the waiver option. If the core approval items are off the table, then there should be sufficient room for districts and schools to act and seek waivers. With the review mechanisms built into SB 2166 and the limited time of any waiver's effectiveness, there are sufficient safeguards in place. *It is the nature of waivers*

*that they push the envelope. If waivers cannot be allowed to test such limits, they lose their potential in effecting some truly, meaningful, and as yet, untested innovations. SB 2166 should be amended to delete subsection 5 to allow the process of innovation to be exercised.*

*(d) Allow for extended innovations.*

SB 2166 restricts the waiver proposals to one year, with a one-year extension allowed. Such a time limitation undercuts the possibility of good waivers to expand their positive effects. High quality innovative waivers should be offered the possibility of a longer-term implementation period, extending beyond the one-year limit defined by the Senate version. The Department proposes an amendment to make waivers equivalent in time frame to those currently allowed in state law under calendar modification.

*(2) SB 2166 clarifies accountability.*

SB 2166 redefines accountability for waivers by eliminating the current waiver committee and assigning full responsibility for the approval of waivers with the state superintendent. The current membership of the state waiver committee consists of representatives of the North Dakota Education Association, the North Dakota Council of Educational Leaders, and the North Dakota School Boards Association. The Senate's amendments attempt to clarify accountability by placing direct responsibility for waivers with an elected official, not among an appointed committee of educational stakeholders.

*(3) SB 2166 introduces legislative review of waivers.*

SB 2166 requires the State Superintendent to report on the status of all waiver applications to the Legislative Council. Because the legislature defines the state's educational policy, it is proper for the Legislative Council to review all approved waivers and disapproved applications within an acceptable review process. As innovations are piloted and results are interpreted, the Legislative Council should review these findings for possible wider implementation statewide. A report by the state superintendent to the legislature is a worthwhile accountability measure. The Department endorses this provision.

(4) *SB 2166 requires rules to assure quality proposals.*

Since the waiver law grants potentially wide dispensation from normal safeguards in replacement for innovative practices, assurances for quality and accountability are required. With the expanded use of standards-based practices, the Department anticipates future waiver requests that are wider and more systemic in nature. These waivers may include the adoption of whole-scale scheduling changes, standards-based cross-course alignment, diverse professional development requirements, altered student ratios, unique facilities use and more. The Department believes that with the adoption of standards-based practices, such waivers may indeed prove beneficial and desirable. However, any such waivers require quality applications and assurances to the public, including attention to legislative intent regarding appropriate criteria and reporting.

Therefore, the Department believes that the State Superintendent should be allowed to make rules that govern the quality of applications, review criteria, and reporting expectations. Such rules would clarify the application process and assure quality consistency among applications. The Department has prepared amendments to provide for such a rules provision.

(5) *Summary of amendments.*

Waivers offer a creative means to improve education statewide and a means to assure quality and accountability. SB 2166 updates current law to resolve apparent conflicts in law and expands the level of review and discussion among the state's primary stakeholders. However, the Senate version of SB 2166 requires certain amendments to eliminate the complete gutting of meaningful waivers. Some Senate redactions are draconian in effect and should be changed. Listed below are the Department's recommended amendments to SB 2166. We believe these amendments address the following concerns:

- (1) the 173-day instructional time is protected within the school calendar modification law while protecting meaningful block scheduling proposals;
- (2) the potential impact of meaningful waivers can be expanded beyond one year to a longer term while still offering quality assurances;

- (3) subsection 4 is unnecessary language and is effectively enforced with the passage of SB 2166, given the bill's clear intent;
- (4) subsection 5 is excessive in its reach and would effectively eliminate most waivers;
- (5) rules making authority should be given to the State Superintendent to assure high quality applications and clarity in reporting results;

Madam Chairperson, this completes my testimony. I am available to answer any questions from the committee.

#### Proposed Amendment to Engrossed SB 2166

- Page 1, line 3:       strike "repeal"  
                          replace with "amend"
  
- Page 1, line 23:     after "apply for," strike "one"  
                          replace with "an"
  
- Page 1, line 24:     after "year," insert "A district that operates an approved waiver under this section for a period of three years may apply to the superintendent for permanent approval of the program."
  
- Page 2, line 12:     strike "~~4. Any waiver granted by the superintendent of public instruction prior to the effective date of this Act is void as of the effective date of this Act. Any school or school district operating under a waiver granted by the superintendent prior to the effective date of this Act may apply for a new waiver under this Act.~~"
  
- Page 2, line 12:     replace with "4. The superintendent shall adopt rules governing the submission of applications, the evaluation of proposals, and any other matters necessary for the administration of waivers under this section."  
                          Renumber accordingly.

Page 2, line 16: strike "~~5. Nothing in this section permits the superintendent of public instruction to waive in whole or in part any statute or any accreditation rule that is identical to or similar to any statute enacted by the legislative assembly.~~"

Page 2, line 19: strike "~~Section 2. REPEAL. Section 15.1-06-05 of the North Dakota Century Code is repealed.~~"

Page 2: following subsection 4, insert the following new section.  
"SECTION 2. AMENDMENT. Section 15.1-06-05, 1.b of the 1999 Supplement of the North Dakota Century Code is amended and reenacted as follows:  
b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one-hundred-eighty day school calendar, provided that the district or school does not reduce the total number of student-contact instructional days provided for under 15.1-06-04.1.  
Renumber accordingly.

### Recent Waiver Requests and Resolutions

Pending	Williams County Schools regarding early dismissal for staff development.
Pending	Kindred Public School District regarding early dismissal for staff development.
Pending	Upham Public School regarding early dismissal two and one-half hours each month beginning November, 2000, for professional development. Request approved contingent on receiving further information. No information has been received thus far.
1999-2001	Oliver/Mercer County Schools regarding early dismissal from normal school day by an additional three days for staff development. Approved 1999-2000 school year with provision that evaluations be provided to DPI. Approved for 2000-2001 school year with provision that evaluations be provided to DPI.

- 1998 Plaza Public School regarding waiver of elementary principal's credential requirement for accreditation for the 1998-99 school year. The Committee recommended to the State Superintendent that the request did not meet the criteria for an experimental or innovative approach. The Committee did suggest several options for the school district to consider. The waiver was dismissed.
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# Beulah Public Schools

District #27

## BOARD OF EDUCATION

Philip Eastgate, Chairman  
John Bloch, Vice Chairperson  
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Wilfred Volesky, Superintendent  
204 5th Street N.W.  
Beulah, ND 58523-6543  
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wvolesky@sendit.nodak.edu

## ADMINISTRATIVE STAFF

Donald G. Bradley, Business Manager  
Kelly L. Rasch, High School Principal  
Mark M. Wagner, Technology Coordinator  
Arthur D. Schilke, Elementary Principal  
Gail M. Wold, Middle School Principal  
Rochel A. Wagner, Office Coordinator

June 11, 2000

Mr. Joe Linnertz  
ND Department of Public Instruction  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0440

Dear Mr. Linnertz:

This letter is being written for the purpose of seeking a waiver from the Department of Public Instruction's rules and regulations regarding a normal school day. The waiver is being requested by the following Oliver/Mercer school districts: Beulah School District, Center School District, Dodge School District, Golden Valley School District, Hazen School District, and the Stanton School District. These school districts were granted a waiver during the 1999-2000 school year for professional development time dealing with curriculum. The Department of Public Instruction was sent a compiled copy of the evaluation done by teachers on the curriculum inservices that were held. I have enclosed a copy of those evaluations with this letter. You can see from the evaluations that the teachers felt that the inservice sessions on curriculum were valuable to them.

### Purpose of the Waiver

The waiver for the 2000-2001 school year is being requested to again allow these school districts to dismiss school at 1:30 p.m. on three separate occasions for professional development and to consider these days as normal school days. The professional development that would be done would deal with the curriculum that has been mutually developed by these school districts.

For the past eight years the school districts mentioned have worked together to develop curriculum in Mathematics, Science, Social Studies and Language Arts. The curriculum was developed by teachers, administrators, and parents during the school day as well as during the summer. A great deal of time, effort, and money has been put into curriculum development by these school districts. We believe that we now have curriculum developed in each academic area that should be valuable to all of our teachers.

The problem that we are confronted with is the lack of professional development time during the school day to get all of our teachers familiar with the curriculum. The teachers

*Excellence  
in  
Education*



Nationally Recognized Blue Ribbon School

North Central Association  
Accredited Unit School

that worked on developing the curriculum in their area are familiar with the curriculum. There are however many teachers who needed professional development time to review the curriculum so they understand what they are expected to teach. The waiver that we were given during the 1999-2000 school year enabled the teachers in our Consortium the opportunity to review the curriculum and to understand what they are expected to teach. The time they were given to discuss the curriculum with peers in their academic area during the 1999-2000 school year enabled them to develop methodology that will be most effective in teaching the curriculum. We hope that we will be given the opportunity to continue this curriculum review during the 2000-2001 school year.

#### How Will Professional Development be Accomplished

First Professional Development Day. Within the first two months of the 2000-2001 school year a day will be chosen by all schools to dismiss at 1:30 p.m. The day will not necessarily be the same day for all schools. On this day teachers would remain in their school district. Elementary teachers would work with other elementary teachers in the same grade or with other elementary teachers in their district. Middle School and high school teachers would work with other teachers in their academic area. During each session teachers would follow an agenda that would need to be completed. Topics would include the review of the curriculum to determine how closely it is being followed, devising new teaching methodology to teach the curriculum, the review of student grades or other assessments to determine if students are performing at expected levels and a discussion about the creation of interdisciplinary units.

Second Professional Development Day. The second professional development day would be scheduled in January. This day would need to be common to all schools since teachers from the Oliver/Mercer schools would meet at a central location to discuss curriculum. One teacher from each group would serve as moderator and an agenda for each area would be developed. The agenda would include the implementation of the curriculum that has taken place during the past school year. Time in the agenda would also be allowed for a group of teachers from one elementary, one middle school and one high school in the Consortium to show an interdisciplinary unit that they have used in their district to all other teachers.

Third Professional Development Day. The third professional development day would be scheduled in April. This day would follow the same format as the first professional development day. Teachers would remain in their own district on this day. The main agenda item would be the transition of students from one grade level to the next. This would require teachers in kindergarten to meet with teachers in grade one to discuss the transition of students. Grade one teachers will also need to meet with grade two teachers to talk about the transition from first to second grade. It will be necessary for teachers in each grade to meet with teachers in the grade below as well as the grade above them. We believe that this discussion will help ease the transition of students as they move from one grade to another.

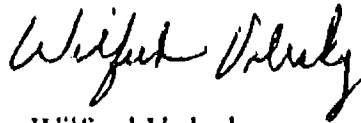
Evaluation of Professional Development

At the end of each professional development day each teacher would need to complete an evaluation survey. This survey would help us determine whether we have accomplished the goals that we set for each day. The survey would also provide us with valuable feedback from teachers that could help us improve similar professional development days.

Again, I want to emphasize that we believe that we need to have professional development time for our teachers to review curriculum. This is the only way that we can expect our teachers to implement the curriculum we have worked so hard to establish.

I look forward to your response to our waiver request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wilfred Volesky".

Wilfred Volesky  
Representative of Oliver/Mercer Schools

**TESTIMONY PROVIDED TO THE HOUSE EDUCATION COMMITTEE  
REGARDING ENGROSSED SB2166 (OPPOSED)**

Madame Chairman and members of the committee, my name is Gail Wold. I am the principal of Beulah Middle School and also serve as the curriculum coordinator for six schools in Oliver and Mercer counties: Beulah, Hazen, Center, Stanton, Dodge and Golden Valley. I am opposed to SB2166. The bill would eliminate staff development opportunities educators within our schools rely upon to meaningfully implement locally developed curriculum aligned to state standards.

Our schools have worked together to write curriculum for eleven years, since 1990. Curricula has been written for the core content areas; Math, Language Arts, Science, Social Studies, as well as Art, Foreign Language, Music, Physical Education, Agriculture and Technology.

Subject area committees, comprised of K-12 teachers representing each of our six schools, meet several times throughout the school year at district expense. The state standards provide a framework for our curriculum writing. These committees spend time writing back from the standards and benchmarks at three levels; primary (K-4), intermediate (5-8) and secondary (9-12).

State content standards are written only for grades 4, 8 and 12. It is the responsibility of the local subject area committee to detail specific skills and knowledge within the framework provided by the state and tailor the curriculum to our local needs - to attach *meaning* for the classroom teacher.

For example, in our recently revised Math curriculum, state standard #1 involves number concepts and applications, specifically, "Develop an understanding and use of numerical relationships." One benchmark for that standard is, "add, subtract, multiply and divide numbers." Okay. None of us would likely disagree with that. Now imagine you are the second grade teacher. What are *you* responsible for to ensure students can achieve that benchmark by the time they exit Grade 4? What did they learn in first grade relative to that standard and benchmark? What will they be taught in third grade? Answering those questions is the job of the local subject area committee.

Because we have been allowed to dismiss early three times during the school year for staff development, our teachers have had multiple opportunities to dialogue with one another to answer curriculum-related questions *meaningfully* and *locally*. Subsequently, the finished product is much more specific and enjoys broader support among our teachers, because they helped develop it. The second grade teacher now knows that his or her responsibility relative to developing an understanding and use of numerical relationships as they pertain to adding, subtracting, multiplying and dividing numbers is to ensure students will:

- recognize numbers up to 1,000
- identify place value for ones, tens and hundreds
- identify and count even and odd numbers
- sequence a series of 4 numbers
- comprehend and use the processes of addition and subtraction up to two digits with regrouping

**TESTIMONY PROVIDED TO THE HOUSE EDUCATION COMMITTEE  
REGARDING ENGROSSED SB2166 (OPPOSED)**

The second grade teacher lets out a sigh of relief. The standards and benchmarks have taken on *meaning*. He or she has had input into the curriculum.

Each of the past two years, the Oliver-Mercer Curriculum Consortium schools have applied for and received a waiver of the "normal school day" to dismiss school at 1:30 p.m. on three separate days for staff development related to curriculum and consider those days as a normal school days.

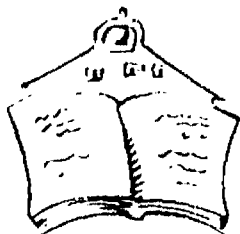
The first early dismissal occurs locally in the fall with the focus on coordinating curriculum laterally across a grade level. Teachers discuss professional techniques and share ideas relative to implementation of curriculum standards, benchmarks and skills with colleagues within their own building. Schedules are coordinated to allow specialists with few or no local colleagues, such as Agriculture or Music teachers, to travel to one of the area schools and meet together for the same purpose.

The second early dismissal, which is held jointly in mid-winter, is hosted by one of the consortium schools. This meeting features grade level and content area roundtable discussions related to curriculum. It is at this meeting that the subject area committee members gather broad input from their colleagues relative to the draft curriculum being revised that year. That input is then taken back to subject areas committee and incorporated into the final draft of the curriculum.

The third and final early dismissal is again held locally in the spring of the year. The purpose of the final meeting is to coordinate curriculum vertically from one grade level to the next. Fifth grade teachers from my building spend the first hour talking about transition issues with fourth grade teachers from the Elementary School regarding the classes they will be receiving the following year. The second hour is spent dialoguing with sixth grade teachers. Not every class acquires skills at the same rate. These discussions have been valuable to inform our teachers which curricular standards, benchmarks and skills have been introduced, taught and mastered by students and which have not. Subsequently, the receiving teachers begins the following school year better informed and our students receive instruction better suited to their unique aptitudes.

Over and over again educators in our area have told me how much they value these opportunities to dialogue with professional colleagues about curriculum and instruction. I included the agenda and evaluations from our January early dismissal with my testimony today. The overwhelmingly positive feedback is typical of that we've received and *observed* relative to these early dismissals each of the past two years. Admittedly, the early dismissals have resulted in some loss of physical contact time with students, although minimal. I would propose, however, that what our students gain in terms of concise, local curriculum and improved teaching techniques and moral far outweighs the minimal loss of contact.

Engrossed SB2166 would eliminate our opportunity to provide this valuable staff development in the Oliver-Mercer Curriculum Consortium. I respectfully request a "do not pass" recommendation on this bill. Thank you.



## Oliver-Mercer Curriculum Inservice

Beulah, Center, Golden Valley-Dodge, Hazen, Stanton

### Agenda

Wednesday, January 31, 2001

1:30-3:30 p.m. (MT)

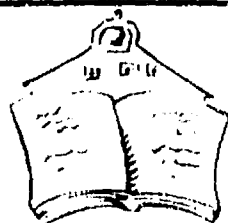
Hazen High School

1. 1:30-2:00 p.m. - Theater (all)  
Rich Oltoff - NDPASS - "Six Educational Issues You Will Deal with Everyday Regardless of Whether You Want to or Not"
2. 2:00-2:15 p.m. - Break
3. 2:15-3:30 p.m. - Break out session (see attached spreadsheet)
  - A. Non-Language Arts teachers are to bring:
    1. Curriculum guide
    2. One lesson/demonstration/project, tied to a specific curriculum objective, to share with your colleagues.
      - a. Building level administrators are asked to ensure each participant brings a lesson/demonstration/project to share.
      - b. Consult attached lists for the number of handouts needed.
  - B. Language Arts teachers are to bring:
    1. Draft of new Language Arts curriculum *draft* for your grade level/area(s) taught with your input/comments notated on the draft
    2. Title, copyright, and professional opinion of the textbook(s) they currently utilize for Language Arts.
    3. Language Arts teachers will not have time to demonstrate their lesson/project, but time will be provided for an "idea exchange." Bring handouts for one Language Arts lesson or project, tied to a specific curriculum standard, benchmark, and skill in the new Language Arts curriculum *draft*, to share with your grade level colleagues. Consult attached lists for the number of handouts needed.
  - C. Special educators are to bring:
    1. One lesson/demonstration/project/technique to share with your colleagues.
      - a. Building level administrators are asked to ensure each participant brings a lesson/demonstration/project/technique to share.
      - b. Consult attached lists for the number of handouts needed.
    2. The title, copyright, and your professional opinion of one program with which your students have experienced success.
  - D. Paraprofessionals and teacher's aides will not be included in this inservice.

<b>Content Area:</b>	<b>K-4 LANG. ARTS</b>	<b>Content Area:</b>	<b>5-8 LANG. ARTS</b>
<b>Room Number:</b>	<b>Commons</b>	<b>Room Number:</b>	<b>Gym</b>
<b>Administrator:</b>	<b>Schilke, Art</b>	<b>Administrator:</b>	<b>Bullinger, Kathy</b>
<b>Grade: K (6)</b>	<b>Bolton, Jackie *</b>	<b>Grade: 5 (11)</b>	<b>Albers, Claudia *</b>
	Berger, Leah		Fagerland, Janet
	Eklund, Deb		Johnson, Beverly
	Montoya, Kim		Morris, Stacey
	Schmidt, Jolietta		Neurohr, Elaine
	Thompson, Barb		Schmidt, Karen
<b>Grade: 1 (10)</b>	<b>Karges, Jackie *</b>		Sitz, Naomi
	Baranick, Rita		Thels, Becky
	Berg, Val		Usselman, Bonnie
	Entze, Helen		Vernon, Tammy
	Gjermundson, Jackie		Yantzer, Arlene
	Maize, Linda	<b>Grade: 6 (6)</b>	<b>Kaelberer, Joan *</b>
	Mindt, Connie		Berglund, Kathy
	Roth, Faye		Flaagan, Bonnie
	Sherwin, Carole		Gemmill, Jeff
	Wood, Janice		Gerde, Arlett
<b>Grade: 2 (9)</b>	<b>Aldrich, Nancy *</b>		Helzner, Nancy
	Boyd, Connie	<b>Grade: 7/8 (4)</b>	<b>Weidner, Dianna *</b>
	Fryslie, Judy		Benz, Amy
	Goldmann, Paula		Dinkins, Gwen
	Kilber, Colette		Schafer, Nancy
	Rhode, Char		
	Saller, Coleen	<b>Content Area:</b>	<b>9-12 LANG. ARTS (11)</b>
	Swegarden, Janelle	<b>Room Number:</b>	<b>111</b>
	Winkler, Beth	<b>Administrator:</b>	<b>Zimmerman, Gary</b>
<b>Grade: 3 (10)</b>	<b>Olson, Jan *</b>		<b>Messmer, Mandy *</b>
	Becker, Mary Beth		Crouse, RaeAnn
	Behm, Anecla		Curran, Julie
	Greenshields, Marilyn		Erhardt, Tim
	Pederson, Lori		Flemmer, Lynette
	Reilly, Darlene		Hoff, Toni
	Schmidt, Ginger		Lundstrom, David
	Skalsky, Amber		Lundstrom, Kathy
	Steffan, Sharon		Preston, Jody
	Wolf, Peggy		Regynski, Kyle
<b>Grade: 4 (9)</b>	<b>Podoll, Kathy *</b>		Steiner, Tracy
	Frigaard, Lisa		
	Gemmill, Debbie		
	Langowski, Connie		
	Leintz, Shanda		
	Schmidt, Renae		
	Schumacher, Rosie		
	Simplonderfer, Jason		
	Zachor, Sherry		

Content Area:	LIBRARY (5)	Content Area:	SCIENCE (13)
Room Number:	H.S. Library	Room Number:	Rm. 122
Administrator:	Enget, Jerome	Administrator:	Schaffan, Dick
	Decker, Lonnie *		Hanson, Jan *
	Huber, Deb		Aanderud, Barb
	Lindemann, Renae		Barnhart, Mike
	Meckle, Millisa		Becker, Craig
	Schwartz, Carol		Curran, Wade
			Dinkins, Bryan
Content Area:	7-12 MATH (12)		Krien, Kirk
Room Number:	Rm 114		Miller, Ken
Administrator:	Opp, Leland *		Olson, Doug
	Baranick, Jeff		Plolum, Barry
	Becker, Sarah		Stein, Pat
	Bergland, Linda		Thompson, Bill
	Brackin, Bart		Volk, Cory
	Christenson, Chris		
	Dacar, Michelle	Content Area:	COUNSELING (9)
	Johnson, Randy	Room Number:	Rm. 124
	Jund, Toni	Administrator:	Bicknese, David
	Schmidt, Connie		Beckwith, Maxine *
	Stuart, Dave		Brier, Cathy
	Wiedrich, Andrew		Cooper, Michael
			Dockter, Leah
Content Area:	MUSIC (11)		Hilton, Dale
Room Number:	Rm. 120		Peters, James
Administrator:	Jeff Lamprecht		Wallender, Janis
	Harvey, Chris *		Wold, Bruce
	Anderson, Nancy		
	Enervold, Kathy	Content Area:	SOCIAL STUDIES (12)
	Gleave, Gloria (?)	Room Number:	Rm. 127
	Harrison, Fayette	Administrator:	Wold, Gall
	Hefta, Mary		Kukuk, Grant *
	Robillard, Joe		Constain, Linda
	Roemmich, Sandra		Ham, Loy
	Rooke, Chris		Johnson, Todd
	Scheurer, Janice		Knoell, Judy
	Traqualr, Keith		Marshall, Joel
			Nelson, J.J.
			Olhus, Jan
Content Area:	FAM./CONS. SCI. (5)		Samuels, Dennis
Room Number:	Rm. 105		Slx, Tom
Administrator:	Volosky, Wilfred		Steiner, Cory
	Quast, Linda *		Yates, Kylie
	Helm, Vivian		
	Johnson, Elaine		
	Nordgren, Kathy		
	Sigman, Peggy		

[illegible]



# Oliver-Mercer

## Curriculum Inservice Evaluation

Beulah, Center, Golden Valley-Dodge, Hazen, Stanton

### CURRICULUM REVISION PROCESS:

Year Phases of	1999-2000 School	2000-2001 School	2001-2002 School	2002-2003 School	2003-2004 School	2004-2005 School
Phase 1 Analyze and Align 4-8-12	Math	Language Arts	Science	Social Studies		Math
Phase 2 Rewrite and Align K-12		Math	Language Arts	Science	Social Studies	
Phase 3 Implement Aligned Curriculum			Math	Language Arts	Science	Social Studies
Phase 4 Assess Aligned Curriculum				Math	Language Arts	Science
Phase 5 Evaluate Aligned Curriculum					Math	Language Arts

### 2000-01 Curriculum Council:

Bicknese, David  
Bullinger, Kathy  
Carr, Deb  
Erhardt, Tim  
Gerde, Arlett  
Karges, Jackie  
Lundstrom, Kathy  
Oihus, Jan  
Opp, Leland  
Reilly, Darlene  
Schilke, Art  
Schmidt, Karen  
Stein, Pat  
Weidner, Diana  
Wold, Gail  
Zacher, Sherry

Location of Inservice: Hazen High School

Date: January 31, 2001

ITEM	GOOD	FAIR	POOR
Were your expectations of this inservice met?	97%	3%	0%
Did you have an opportunity to reflect upon your teaching?	97%	3%	0%
The overall content of this inservice	96%	4%	0%
Dialogue pertained to teaching and learning	98%	2%	0%
Obtained practical, application techniques for your job?	96%	3%	1%

### MISSION STATEMENT:

The mission of the Oliver-Mercer Curriculum Consortium is to ensure curriculum is written, taught, and tested to increase student achievement; especially in the core areas (Language Arts, Math, Science, and Social Studies.)

## What did you like best about this inservice?

### Grade K

- Time for teachers to get together to network and discuss strategies that are used to effectively instruct young people.
- Meeting with the teachers in my grade level.
- Sharing ideas and concerns with other teachers.
- Going over the curriculum together. Getting feedback from others.
- Sharing of ideas.
- Addressing the curriculum guide at grade level across the Oliver-Mercer Consortium.
- Going over our new curriculum was very beneficial.
- Reviewing the standards.

### Grade 1

- Grade level discussion.
- Good to collaborate with area 1st grade teachers on what is in curriculum and what others are doing.
- No one particular thing. I thought the speaker and our group session was good.
- Sharing ideas.
- Sharing at grade level.
- Dr. Othoff was very inspirational. Group was very interesting and informative.
- The interaction between teachers at my own grade level.
- Being able to share ideas with each other.

### Grade 2

- Sharing ideas, concerns, and problem solving.
- I always enjoy the idea exchange. Even though I've taught for many years, it is still exciting to try something new.
- Visits with other grade level teachers about helps/ideas with grade level problems.
- Round table discussion & idea exchange. I love getting new ideas that have been successfully used by other teachers.
- The sharing of ideas with the teachers. It is wonderful to share ideas.
- The second grade discussion of the curriculum and the sharing of our ideas.
- I enjoy sharing ideas and receiving new ideas to use. Many new ideas were given.
- The sharing of ideas....seeing what others are doing in their classrooms.
- I met many nice people. I received great ideas for teaching.

### Grade 3

- Sharing ideas with same grade level teachers.
- Brainstorming with other teachers.
- The handouts from other teachers. I liked sharing ideas.
- Small setting, everyone could voice concerns.
- Sharing ideas.
- The idea sharing was so beneficial.
- Sharing with other teachers.
- Our speaker was excellent. Our small group discussion was productive. Very positive group.
- Sharing among the teachers of ideas that will go along with the benchmark standards was very helpful.

## What did you like best about this inservice?

### Grade 4

- Finding my pluses and minuses of teaching don't just pertain to me-common among 4th grade teachers.
- Time to share ideas and reflect upon what is happening in your classroom vs. others. Am I forgetting anything?
- Sharing ideas.
- Talking with other 4th grade teachers.
- Collaboration with grade level teachers. Hi Gaill
- Sharing.
- Excellent speaker, could have been even longer!!
- Meeting with teachers in the same grade level and sharing ideas.

### Grade 5

- The input for our Language Arts Curriculum was very helpful. I also enjoyed the sharing.
- Small groups.
- The whole thing--It is important to exchange ideas from others.
- A great discussion about the curriculum. Nice to visit with others from different schools.
- Discussions of curriculum.
- Chance to network with grade level teachers.
- Learning what is expected in Lang. Arts.
- Meeting with other teachers of my grade level.
- Time too short to get into much detail.
- Practical.

### Grade 6

- Talking about what works in our classrooms and comparing techniques used in teaching the different language arts topics.
- Sharing of ideas with other 6th grade teachers.
- The sharing of ideas and situations was excellent. We had a great group to work with. Joan Kalbaerer was an excellent facilitator.
- I enjoyed the dialogue with other teachers.
- Informal discussion on teaching, students, curriculum, etc.
- I enjoyed discussing with the other teachers.

### Language Arts 7-8

- Meeting with colleagues and getting ideas.
- Sharing ideas with others.
- Sharing lessons.
- Breaking in groups-small group.
- I appreciated meeting with smaller group(7-8). The people from L.A. curriculum were very knowledgeable and helpful in answering questions.

### Language Arts 9-12

- Sharing with teachers.
- Interacting with colleagues.
- Discussion of curriculum.

## What did you like best about this inservice?

### Language Arts 9-12 (continued)

- Idea exchange about curriculum guide and classroom activities exchange--very good!
- The opportunity to share ideas with fellow educators.
- Interaction with my colleagues is always the most instructive form of inservice.
- It's great to have a chance to see and talk with other English teachers!
- Sharing experiences.

### Library

- Exchange of ideas with other librarians. Speaker gave credit on screen to the person who created the Power Point presentation.
- Round table discussions with other librarians.
- Informal discussion.

### Math

- The break down session within the math department.
- I liked interacting with other math teachers.
- Discuss curriculum with other schools.
- Like communications between people in same area.
- Communicate with subject areas.
- Discussion amongst peers.
- Got some specific suggestions for use in the classroom.
- I enjoyed hearing the concerns and ideas from other schools.
- The opportunity to hear how other math teachers are addressing some common problems and frustrations (e.g. striking a balance between pushing computational skills among students and permitting increased use of technology).
- Discussion.
- Time to reflect on topics relevant to the curriculum.

### Music

- We were actively involved in the demonstrations.
- The presenter was excellent and so were the breakout sessions.
- Sharing ideas with colleagues.
- Breakout session.
- Roundtable discussions.
- Everyone shared a valuable lesson and we all did the activities.
- Breakout with music people.
- The breakout session was great.
- The energy and perceived dedication of all educators in this group.

### Family/Consumer Science

- I enjoyed the speaker, and being able to visit with my peers.
- Roundtable--the speaker was good too.

### Science

- Sharing of ideas and lesson plans--great resource!
- Ideas on scientific classification.

## What did you like best about this inservice?

### Science (continued)

- Able to get other ideas from fellow educators.
- Our group was very good.
- Good labs.
- The opportunity to review ideas with teachers of similar subject areas.
- Ideas from teachers in same field.
- Department meetings to exchange ideas.
- The sharing!
- To find that our consortium is blessed with excellent science teachers. It was great!
- We had many handouts with experiments to use--greatly appreciated.
- Exchange of lesson plans with other science teachers.
- The opportunity to share ideas that can be implemented in class.

### Counseling

- Max's bright handout sheet and Powerpoint.
- Sharing with other counselors.
- Just being able to share. Counselors need more time to get together.
- Talking to other educators.
- Good--Max's bright handouts.

### Social Studies

- It was very good to share all the different activities that we are doing in our classrooms. It gave me more ideas to use in my class.
- Time spent with peers to discuss teaching ideas.
- The sharing of lessons and ideas of teaching methods.
- Sharing of projects and methods to bring variety to the classroom student.
- Very interesting for me to listen to all of the different projects that are being used in Social Studies classes.
- Talking with other teachers--sharing lessons.
- It was nice getting together with the other teachers and discussing curriculum in general. As an "old" teacher, even I can learn something new from time to time.
- The lesson exchange.
- Its good to get new ideas or refresh yourself on old ones.
- Lessons I learned from colleagues. Very useful.
- Ideas given by other teachers.

### Business/Technology

- The exchange of ideas.
- Being able to share ideas.
- I enjoyed the opportunity to share ideas with others.
- Break-out groups.
- The discussions of new technology that can be used in the computer classes.
- Speaker.
- Curriculum breakout sessions - nice to see what other schools are doing.
- Other people sharing-enjoyed the state curriculum update.

## What did you like best about this inservice?

### Vocational Agriculture

- Got good ideas for classroom and setup for contest.
- Getting some actual hands on work done.
- Got things done.
- AG breakout session and Rich Oltoff.
- Time to share ideas.

### Physical Education

- Discussion and shared video.
- Exchanging ideas and the guest speaker was also good.
- Dancing in Phy. Ed.--the problems at teaching the course. Also the cupstacking looks a new excellent physical education activity.
- The different ideas, games, plus feedback.
- I thought the speaker was terrific!! Very cut and dried and to the point. Our break down session was super! Lots of shared ideas and information.
- Idea sharing.
- Talk amongst other educators in your area.
- Talk amongst the teachers.

### Learning Disabilities

- Freedom to share anything.
- Learning new strategies.
- Discussion of different models of service and different educational settings.
- Sharing of ideas and strategies of what others are doing and what works for them.
- Small group setting.
- Sharing of ideas.
- A chance to learn from other professionals.

### Title I

- Sharing ideas in the breakout was helpful.
- Learned of some good math websites and techniques.
- Break-out session. Time to visit with other Title 1 teachers-good ideas and motivation ideas.
- Listening to new approaches/methods that work for them.
- The breakout session was great! It's fun to meet with other Title teachers and discuss problems.
- The breakout session was very informative.
- I liked that we were able to share ideas during the break-out sessions.

### EMH

- Able to share curriculum ideas; resources.
- Sharing time.
- Time to share about curriculum and ideas that others are using.
- Sharing time.

### Speech-Language

- The opportunity to share ideas.
- The opportunity to converse with my colleagues.

What did you like best about this inservice?

Speech-Language (continued)

- Having the time to meet with colleagues.

If you answered *fair* or *poor* above, please tell us why:

Grade K

No comments

Grade 1

- Very vague-not very "hands-on" nor practical.

Grade 2

No comments

Grade 3

No comments

Grade 4

No comments

Grade 5

- Time short-to get into much detail.

Grade 6

- I felt that the main speaker might have told us something we hadn't heard before.

Language Arts 7-8

- Keep it moving.

Language Arts 9-12

No comments

Library

No comments

Math

- If to solve the problems discussed we'd need more time.
- HS concerns expressed; not all applied to 7th grade. Important topics those.
- We didn't make it to our applications.

Music

- My area does not always fit in to several inservices.
- Speaker for entire group was fair.

Family/Consumer Science

No comments

Science

- Because you can't always talk about your curriculum ideas or get new ideas when so few people teach the same course.

If you answered *fair* or *poor* above, please tell us why:

Counseling

No comments

Social Studies

- We didn't talk about or discuss reflection.

Business/Technology

- The inservice will be beneficial in the future.
- Most of the presented material didn't apply to my situation.

Vocational Agriculture

No comments

Physical Education

No comments

Learning Disabilities

No comments

EMH

No comments

Speech-Language

No comments

## Suggested improvements for curriculum inservices:

### Grade K

- Continue to lobby the powers that be to ensure our Oliver-Mercer educators continue to have this opportunity.
- Longer sharing time with activities at levels.

### Grade 1

- Not sure!
- Get together at grade level and share ideas. Visit other classrooms!
- More time to share with grade levels.

### Grade 2

- Continue to allow time for the grade level sharing.
- More ideas and sharing sessions.

### Grade 3

- Continued small group settings.
- Motivational speaker.

### Grade 4

- Continue session with other people doing the same job.
- No lesson plan exchange.

### Grade 5

- We were rushed during share time--most teachers looking forward to this.
- Add checklists.
- Show introduce, teach, mastery on skills (Language Arts curriculum guide).

### Grade 6

- Grade level meetings without our own schools.
- The format was excellent, I really liked the half hour time frame for the speaker and hour or more for sharing and discussing.
- I would like to have more of these chances to share.
- Speaker was too prefab. Stick to motivational uplifting type speakers. We need to feel good about what we're doing as educators.
- I think we should have more time to share ideas of things that others find important in their classroom.

### Language Arts 7-8

- Our group ran short of time, but maybe it was because we had to discuss the guide.
- More time for small groups--master plan for English curriculum guides K-12 (like a big poster).

### Language Arts 9-12

- More time to share.
- More time to share ideas with colleagues--It is so rare that we can get together to do this.
- I felt our beginning speaker was too brief.
- Professional development

## Suggested Improvements for curriculum inservices:

### Library

No comments

### Math

- It would have been nice to have a speaker that was a little more dynamic--but it was OK.
- Continue having a moderator for group discussion.

### Music

- I would like to see a motivational speaker for the entire group in the spring.
- I wasn't real impressed with the speaker.
- Good job!
- More direction from administration as to what to do!

### Family/Consumer Science

No comments

### Science

- This format works well.
- Longer time.
- Need more physics experiments from others that teach physics.
- Rather than specific ideas/activities I like to hear more about their instruction techniques.

### Counseling

- More time for sharing with colleagues.
- I look forward to these sessions!
- It would be nice to do this next year.

### Social Studies

- More sharing of lessons and activities.
- Continued efforts to share ideas!
- Continue to allow teachers to meet together in academic areas to share ideas that they are using in their classes.
- Keep it the way it is! It has been interesting getting together with other teachers in our area...everyone goes away with some good ideas.
- Keep doing this; it is the best way to help us grow as professionals! Maybe have more time for curriculum meeting!

### Business/Technology

- We were told to bring the name of our textbooks and copyright dates.

### Vocational Agriculture

- More time.
- Keep it practical hands-on/exchange of ideas format.
- Keep having curriculum inservices 3 times per year.

## Suggested improvements for curriculum inservices:

### Physical Education

- I would like to meet like this at least 3 times during the year; starting with one before school begins at the O/M inservice.
- Excellent workshop; Joel Wood should be facilitator many more times.
- Different P.E. instructors; various levels.
- Get someone from a different area to give ideas or have our curriculum inservice with, for example, New Salem or Washburn, etc.
- Maybe more time.
- More time for breakout session.

### Learning Disabilities

- Continue.
- Continue with this type of format.
- It was great!

### Title I

- More the same.

### EMH

- Screen was very hard to read.
- Thanks.

### Speech-Language

- We need more time.
- Keep them!

**Proposed Re-write of  
ENGROSSED SENATE BILL NO. 2166**

A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 15.1-06-05 and section 15.1-06-08 of the North Dakota Century Code, relating to the modification of the school calendar and the waiver of accreditation rules by the superintendent of public instruction.

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

**SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one-hundred-eighty-day school calendar and if there is no reduction in the total number of instructional days required by subsection 1 of section 15.1-06-04.

**SECTION 2. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. Rules for school accreditation – Waiver.**

1. A school or school district may apply to the superintendent of public instruction for a waiver of any rule governing the accreditation of schools, provided the waiver:
  - a. Encourages innovation and
  - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section, may apply for extensions of the waiver. Each extension may not exceed one year. A school or school district that operates for a period of three years under waivers granted in accordance

1 with this section may apply to the superintendent of public instruction for  
2 permanent approval of the program.

3 3. If the superintendent of public instruction, after receipt and consideration of  
4 an application for a waiver of a rule governing the accreditation of schools  
5 under this section approves the waiver, the superintendent shall file a report  
6 with a committee designated by the legislative council. The report must cite  
7 the accreditation rule that was waived, provide a detailed account of the  
8 reasons for which the rule was waived, and state the time period for which  
9 the rule was waived. If the superintendent of public instruction denies an  
10 application for a waiver under this section, the superintendent shall file a  
11 notice of denial with the committee designated by the legislative council.

12 4. The superintendent shall adopt rules governing the submission of  
13 applications, the evaluation of applications, and any other matters  
14 necessary for the administration of waivers under this section.  
15

## **CHAPTER 15-36 TEACHERS' CERTIFICATION**

**15-36-01. Teachers' licenses - Criteria to be established.** The education standards and practices board shall determine the criteria for teacher licensure for school terms beginning on or after July 1, 1995. The criteria shall be based upon standards which include considerations of character, adequate educational preparation, and general fitness to teach in the public schools of this state. After holding a public hearing, the board shall adopt rules concerning the issuance of professional teaching licenses, and licenses must be issued by the board's office in accordance with the rules. However, any teacher who has graduated from college in an accredited teacher education program on or before September 1, 1980, may not be required to earn any college credits in native American or other multicultural courses in order to be licensed or relicensed. Nothing in this section may be interpreted to affect the validity of certificates in existence on July 1, 1999, nor does this section affect vocational education certificate qualifications as provided in chapter 15-20.1. Certificates in effect remain in effect until their expiration date. Subsequent renewals must be issued as licenses.

**15-36-01.1. Professional teaching licenses - Student transcript.** A student who has met all the criteria necessary to receive a professional teaching license, but who has not graduated from a college or university, may request a copy of the student's completed transcript from the college or university the student attended. Within ten days of the request by the student, the college or university shall mail a copy of the transcript to the education standards and practices board showing that the student has met all the criteria necessary to receive a professional teaching license except graduation. The transcript must indicate areas in which the student has a major or minor.

**15-36-02. Second grade elementary certificate.** Repealed by S.L. 1953, ch. 137, § 2.

**15-36-03. First grade elementary certificate issued without examination - Permits.** Repealed by omission from this code.

**15-36-04. Second grade professional certificate - Diploma from state schools and from schools outside of state.** Repealed by S.L. 1973, ch. 150, § 7.

**15-36-05. First grade professional certificate - Diploma from university or state university or equivalent institutions of other states.** Repealed by S.L. 1973, ch. 150, § 7.

**15-36-06. Special certificates.** Repealed by S.L. 1973, ch. 150, § 7.

**15-36-07. Citizenship requirement before certification.** Repealed by S.L. 1995, ch. 190, § 2.

**15-36-08. Fees for licenses.** The education standards and practices board must determine a fee for each professional teaching license issued by this state. Except for provisional teaching certificates which are valid for forty days and issued pursuant to rules adopted by the board, a certificate may not be issued for a period of less than one school year. The fees must be deposited and disbursed in accordance with section 54-44-12.

**15-36-09. Disposition of fees collected for teachers' certificates.** Repealed by omission from this code.

**15-36-10. Teachers' certificates valid in county only when recorded in the office of the county superintendent of schools of such county.** Repealed by S.L. 1993, ch. 190, § 1.

**15-36-11. License required.** Except as provided by section 15-36-11.1, an individual must hold a valid North Dakota professional teaching license in order to be permitted or employed to teach in any public school in this state.

## CHAPTER 15-45 KINDERGARTENS

**15-45-01. Establishing kindergartens - Election on mill levy.** The school board of any school district may, upon its own motion, establish free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term. A school board which establishes free kindergartens may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2. On a petition signed by qualified electors of the school district comprising at least five percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, but in no case less than twenty-five qualified electors, the school board must submit the question of establishing a kindergarten program at the next annual or special school election. The question must be approved by the qualified electors of the district by the respective margins of electorate approval as provided for in section 57-15-14.

**15-45-02. Kindergarten curriculum - Approval requirements.** All public kindergartens must comply with the following requirements:

1. All kindergarten teachers must hold valid licenses issued under rules adopted by the education standards and practices board as provided in chapter 15-36.
2. The governing body of each kindergarten shall submit to the superintendent of public instruction and must follow a curriculum providing developmentally appropriate skills in the areas identified in section 15-38-07 and promulgated under subsection 4 of section 15-28-08.
3. All kindergartens shall provide the equivalent of a minimum of thirty full days of instruction. The school board shall determine whether kindergarten shall be provided on a half-day or a full-day basis.
4. All kindergartens shall comply with all municipal and state health, fire, and safety laws.
5. No kindergarten may enroll a child who is not five years old by midnight August thirty-first of the year of enrollment, except a child who by reason of special talents or abilities as determined by a series of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the persons operating the kindergarten. A child who has been enrolled in another approved kindergarten program may be enrolled at a younger age. However, no child may start kindergarten in any year unless that child is five years old by the following January first.

Any person operating a private or parochial kindergarten may seek approval from the superintendent of public instruction and those programs must meet the requirements of this section in order to be approved. Only programs receiving approval from the superintendent of public instruction may be called approved kindergartens.

**15-45-03. Accreditation rules.** The superintendent of public instruction may adopt rules for the accreditation of all kindergartens operated in this state. All kindergartens that comply with these rules are accredited kindergartens.

**15-45-04. Discontinuance of kindergartens.** Kindergartens may be discontinued by resolution of the school board.

section. The school board shall give the superintendent final notice of the determination not to renew a contract by May first.

14. If a school district fails to provide notification to a superintendent in writing between March first and April fifteenth of each year that the school board intends to contemplate the nonrenewal of the superintendent's contract, and the superintendent has not resigned in writing before June first, the district and the superintendent are deemed to have renewed the contract for a period of one year extending from the termination date set forth in the existing contract. If a school district provides notification to a superintendent who has not been employed in that school district as a superintendent for at least two years in writing before May first of its intent not to renew the superintendent's contract, the school board shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent requests such a meeting.

**15-47-39. Agreements between school district and school district of adjoining states - Provisions - Election - Tax levy.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-40. Cooperative agreements for student teaching and supervised field experiences.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-40.1. Interdistrict cooperative agreements - Taxing authority.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-41. Payment of cost from public funds.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-42. Status and authority of student and eminence-credentialed teachers.** Any student teacher or eminence-credentialed teacher hired or assigned in this capacity must be given the same legal authority and status as if the student or eminence-credentialed teacher were a licensed teacher employed by the school district. The authority of the student or eminence-credentialed teacher extends to all aspects of student management or discipline, the handling of confidential student records, and to all other aspects of legal authority granted to licensed teachers in the state. The student or eminence-credentialed teacher must be deemed a licensed teacher employed by the district with respect to acts performed by the student or eminence-credentialed teacher at the direction, suggestion, or consent of the district employees under whose supervision and control the student or eminence-credentialed teacher performs duties, whether or not the duties are performed entirely in the presence of district employees assigned to supervise the student or eminence-credentialed teacher, and must be deemed an employee of the school district within the meaning of sections 32-12.1-05 and 39-01-08 relating to liability insurance carried by political subdivisions. For purposes of this section, "eminence-credentialed teacher" means a person providing teaching services in accordance with subsection 21 of section 15.1-09-33.

**15-47-43. Public school districts - Corporate powers - Corporate name - Name change.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-44. School safety patrols authorized.** Repealed by S.L. 1995, ch. 200, § 3.

**15-47-44.1. School safety patrols - Establishment - Adoption of standards.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-44.2. School safety patrols - Immunity from liability.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-45. School safety patrols - Appointment.** Repealed by S.L. 1995, ch. 200, § 3.

**15-47-46. Teacher qualification - Kindergarten through grade eight - Exceptions.**

*next pg.*

1. Except as provided in subsections 2 through 4 or subsection 21 of section 15.1-09-33, all teachers teaching kindergarten through grade eight must hold a professional teaching license and:
  - a. A minimum of a kindergarten endorsement to teach kindergarten;
  - b. A major, minor, or endorsement in elementary education to teach elementary education in grades one through eight; or
  - c. An endorsement in kindergarten or elementary education from the education standards and practices board attained prior to or within two years of the assignment to teach kindergarten or elementary education. An endorsement may be obtained by completing teaching requirements and a minimum number of credit hours in courses prescribed by the education standards and practices board.
2. A teacher who holds a professional teaching license and a major or an endorsement in middle school education attained prior to, or within two years of, the assignment to teach middle school may teach grades five through eight.
3. A teacher who holds a professional teaching license and a major or minor in the course area or field in which the teacher is teaching may teach grades seven and eight.
4. A teacher who holds a professional teaching license from the education standards and practices board and meets the requirements of the superintendent of public instruction may teach special education, foreign language, art, music, physical education, business education, and computer education in kindergarten through grade eight.

**15-47-47. Corporal punishment - Prohibited - Guidelines.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-48. Use of pupils' legal surnames.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-49. Abortion referrals.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-50. Distribution of birth control devices - Restrictions.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-51. School reports - Contents.** Repealed by S.L. 1999, ch. 196, § 17.

**15-47-52. Early childhood education teaching certificate.** The education standards and practices board shall develop and implement an optional early childhood education teaching certificate. The optional early childhood education teaching certificate may be used in nonparental settings such as early childhood programs, preschool programs, and head start programs.



## Department of Public Instruction

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Dr. Wayne G. Sanstead  
State Superintendent

April 11, 2001

TO: House and Senate Conference Committee on SB 2166  
FROM: Greg Gallagher, Education Improvement Team Leader  
SUBJECT: Comparison of House and Senate versions of SB 2166

At the request of Representative Thoreson and Senator Cook, I have prepared several scenarios where a waiver application might be submitted. As a test against past practice, I have selected several recent waiver applications that were submitted to the waiver committee.

I have applied, as requested, both the House and Senate versions of SB 2166 to gauge the effect of each respective version. I identify the criteria for interpreting the effect of each version and postulate a probable outcome.

Because every waiver request is unique and may attack an issue using different legal criteria, similar waiver applications may arrive at differing conclusions. Therefore, it is important to avoid over-simplifying any waiver scenario or to assume that any analysis is conclusive. Some of the scenarios and their evaluation criteria may be legitimately questioned.

I offer these as illustrations as an aid in the discussions surrounding SB 2166.

**Comparison of Waiver Scenarios  
SB 2166  
Senate vs. House Versions**

***Scenario 1: Early dismissal for professional development.***

- a. Williams County waiver submitted regarding early dismissal for staff development. Current status is pending.
- b. Kindred Public School District waiver submitted regarding early dismissal for staff development. Current status is pending.
- c. Upham Public School waiver submitted regarding early dismissal two and one-half hours each month for professional development. Current status is pending.
- d. Oliver/Mercer County Schools waiver submitted regarding early dismissal from normal school day for professional development. Proposal approved with provisions for evaluations.

*Senate Disposition:* Waiver is inadmissible. Attempts to shorten the school day (NDCC 15.1-06-04) are prohibited. No state law may be waived.

*House Disposition:* Waiver as submitted is inadmissible. Subsection b of section 1 of NDCC 15.1-06-05 prohibits the lessening of the 173-day school calendar.

Waiver is admissible for consideration if the proposal seeks the use of foundation aid calendar days between 173-180 to be used for professional development. Waiver disposition is contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

***Scenario 2: Waiver of administrative credential.***

Plaza Public School submits a waiver regarding a dispensation of elementary principal credential requirements for one year. Waiver was dismissed because it did not meet the criteria for an experimental or innovative approach.

*Senate Disposition:* Waiver is inadmissible. Because an administrator is required to be both licensed and credentialed by law (NDCC 15.1-13.01), any attempt to waive an administrative credential is prohibited. No state law may be waived.

*House Disposition:* Waiver is permissible. Although an administrator is required to be credentialed by law (NDCC 15.1-13-01), credentialing is not an element of the licensure law (NDCC 15.1-13-17). Therefore, the credentialing of an administrator may be open to waiving. No law related to the approval of a school (e.g., teacher licensure) can be waived. Waiver disposition is contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

***Scenario 3: Major/Minor or minor equivalent endorsement.***

Fargo School District submits a waiver regarding dispensation from state requirements for English as a Second Language (ESL) program, including the waiving of the major/minor law and required units for ESL graduates. Waiver approved with requirements for performance data.

*Senate Disposition:* Waiver is inadmissible. Attempts to waive the major/minor law (NDCC 15.1-18-03) or the required subject units (NDCC 15.1-21-02) are prohibited. No state law may be waived.

*House Disposition:* Waiver is inadmissible related to major/minor or the required subject units. Attempts to waive the major/minor law (NDCC 15.1-18-03) or subject units (NDCC 15.1-21.02) are prohibited. No state law related to approval (e.g., licensure or required subject units) may be waived.

***Scenario 4: Teacher licensure***

St. Wenceslaus and St. Joseph Elementary School, Dickinson submit a waiver regarding dispensation of certification requirements for three teachers. Waiver dismissed and recommendation for an ESPB review offered.

*Senate Disposition:* Waiver is inadmissible. Attempts to waive the teacher licensure law (NDCC 15.1-13-17) are prohibited. No state law may be waived.

*House Disposition:* Waiver is inadmissible. Attempts to waive the teacher licensure law (NDCC 15.1-13-17) are prohibited. No state law related to approval (teacher licensure) may be waived.

***Scenario 5: Required subject units.***

North Dakota Youth Correctional Center, Mandan submits a waiver regarding a dispensation of required subject-units provisions. Waiver clarification plan sought by superintendent; no plan has been presented to date.

*Senate Disposition:* Waiver is inadmissible. Attempts to waive the required subject units provision (NDCC 15.1-21-02) are prohibited. No state law may be waived.

*House Disposition:* Waiver as submitted is inadmissible. Attempts to waive the required subject-unit provision (NDCC 15.1 21-02) are prohibited. No state law related to approval (e.g., required subject units) may be waived.

Waiver is admissible for consideration if the proposal seeks to redefine the value of a credit in total hours or a combination of hours within a restructured integrated curriculum (NDCC 15.1-21-03). Waiver disposition is contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

***Scenario 6: Teacher content-specific academic preparation.***

A school realigns its curriculum delivery at the sixth grade from a classroom structure to a middle school, departmental structure. In so doing, a sixth grade math teacher, who lacks a sufficient algebra background, is identified as violating accreditation subject preparations provisions. The school seeks a one-year waiver to allow for training without risking the school's status.

*Senate Disposition:* Waiver is admissible for consideration under Administrative Rule 67-19-01-27. No statutory foundation for teacher credentialing or subject preparation exists; therefore the waiving of accreditation rule is acceptable. No preparation definition that considers major or minor descriptions may be waived. Any preparation definitions that increase the level of credit hours beyond the major or minor descriptions may be waived. Waiver disposition is

contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

*House Disposition:* Waiver is admissible for consideration under Administrative Rule 67-19-01-27. No statutory foundation for teacher credentialing or subject preparation exists; therefore, the waiving of accreditation rule is acceptable. No preparation definition that considers major or minor descriptions may be waived. Any preparation definitions that increase the level of credit hours beyond the major or minor descriptions may be waived. Waiver disposition is contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

*Scenario 7: Redefinition of instructional length of day.*

A school seeks to shorten its high school day from 6 hours to 5.5 hours per day to allow for a later start. Some research literature indicates that a later start and perhaps a shortened day may heighten student performance at the high school level. To compensate for this shortened length of day, the school year is lengthened beyond the current 173 instructional days such that an equivalent instructional time occurs. The school seeks a modification of the school calendar.

*Senate Disposition:* Modification of school calendar is inadmissible. With the repeal of the modification of the school calendar law (NDCC 15.1-06-05) or the waiving of any state law (NDCC 15.1-06-08), any modification or waiver is prohibited.

*House Disposition:* Modification of the school calendar is permissible. NDCC 15.1-06-05 allows for a pilot program to be considered if the proposed calendar is equivalent to a 180-day school calendar. A modification proposal's disposition is contingent on the quality of the application, evaluation measures, and clearly identifiable performance indicators based on student success.

Fifty-seventh  
Legislative Assembly

- 1           3. Social studies, including the United States Constitution, and United States history,
- 2           geography, and government.
- 3           4. Science, including agriculture.
- 4           5. Physical education.
- 5           6. Health, including physiology, hygiene, disease control, and the nature and effects
- 6           of alcohol, tobacco, and narcotics.

7           **15.1-21-02. High schools - Required units.** In order to be approved by the  
8 superintendent of public instruction, each public and nonpublic high school shall make available  
9 to each student:

- 10          1. Four units of English.
- 11          2. Three units of mathematics.
- 12          3. Four units of science.
- 13          4. Three units of social studies, including one of world history and one of United
- 14          States history, both of which must emphasize geography
- 15          5. One unit of health and physical education.
- 16          6. One unit of music.
- 17          7. Any six units selected from business education, economics and the free enterprise
- 18          system, foreign language, American sign language, and vocational courses
- 19          including family and consumer sciences, agriculture, business and office
- 20          technology, marketing, diversified occupations, trade and industrial education,
- 21          technology education, and health careers. The vocational courses may be offered
- 22          through cooperative arrangements approved by the state board for vocational and
- 23          technical education.

→ 24       **15.1-21-03. High school unit - Instructional time.**

- 25          1. Except as provided in subsection 2, each unit must consist of at least one hundred
- 26          twenty hours of instruction per school calendar.
- 27          2. The following units must consist of at least one hundred fifty hours of instruction
- 28          per school calendar: natural sciences, agriculture, business and office technology,
- 29          marketing, diversified occupations, trade and industrial education, technology
- 30          education, and health careers.

Fifty-seventh  
Legislative Assembly

- 1           3.    The hour requirements of this section are subject to reductions resulting from the  
2                holidays and nonstudent contact days provided for in section 15.1-06-04.

3           **15.1-21-04. Minimum high school courses - Alternative curriculum plans.**

- 4           1.    Except as otherwise provided in this section, each student shall enroll in at least  
5                four units of high school work in each grade from nine through twelve.  
6           2.    A student in grade twelve may enroll in fewer than four units of work, provided:  
7                a.   The student requires fewer than four units of work for graduation; and  
8                b.   The board of the school district has adopted an alternative high school senior  
9                curriculum plan.  
10          3.    An alternative high school senior curriculum plan becomes effective if:  
11                a.   It is adopted by action of the school board;  
12                b.   It contains specific criteria under which a high school senior may enroll in  
13                fewer than four units of work; and  
14                c.   It has been submitted to and approved by the superintendent of public  
15                instruction.

16           **15.1-21-05. Indian education curriculum.** The superintendent of public instruction  
17 may develop an Indian education curriculum to be implemented within the minimum curriculum  
18 requirements for elementary and secondary schools. The superintendent shall provide for  
19 continuing research and evaluation and for inservice training necessary to implement an Indian  
20 education curriculum.

21           **15.1-21-06. Goals 2000 - Participation voluntary.** The board of a school district may  
22 choose to participate or not to participate in Goals 2000 Educate America Act [Pub. L. 103-227;  
23 108 Stat. 125; 20 U.S.C. 5801 et seq.]. A board that chooses to participate and directly or  
24 indirectly receives federal funds for its participation shall expend the funds in the manner it  
25 determines best meets the goal of educational enhancement in the school district, in  
26 accordance with the district's locally developed goals 2000 educational improvement  
27 application plan. The superintendent of public instruction may not impose any financial penalty  
28 or other sanction on a school or school district if the school board chooses, at any time, to  
29 terminate participation in goals 2000.

30           **15.1-21-07. School-to-work - Student participation voluntary.** Before an  
31 elementary or secondary school student may participate in any course, program, or project

**Proposed Amendments  
to  
Engrossed SENATE BILL 2166  
18234.0200**

**Amendment 1:**

Page 1, line 11

After "schools," insert "and section 15.1-21-03 related to instructional time,"

***Effect of Amendment 1:***

**Section 1. Amendment.** Section 15.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval – Waiver.** The

1. A school or school district may apply to the superintendent of public instruction may waive any condition for a waiver of any rule governing the accreditation and approval for a reasonable period of time of schools and section 15.1-21-03 related to instructional time, provided the waiver encourages

**Amendment 2:**

Page 2, line 17

After "statute" strike "~~or any accreditation rule~~"

Page 2, line 18

Strike "~~identical to or similar to any statute enacted by the legislative assembly~~" after "assembly" insert "not identified in subsection 1."

***Effect of Amendment 2:***

5. Nothing in this section permits the superintendent of public instruction to waive in whole or in part any statute ~~or any accreditation rule~~ that is ~~identical to or similar to any statute enacted by the legislative assembly~~ not identified in subsection 1.

**Amendment 3:**

Page 2, line 19:

Delete section 2.

**Amendment 4:**  
Page 2, line 19

Insert "6. The superintendent of public instruction shall adopt rules governing the submission of applications, the evaluation of applications, the monitoring of the effectiveness of the waiver, and any other matters necessary for the administration of waivers under this section."

**Amendment 5:**  
Page 1, line 21:

Replace section 2 with the following:

"2. The waiver must be for a specific period of time, but may not exceed three years. An annual monitoring of the effectiveness of the waiver must be conducted by the state superintendent."

# *See North Dakota Administrative Rules*

## ARTICLE 67-19

### ACCREDITATION: PROCEDURES AND STANDARDS AND CRITERIA

Chapter  
67-19-01

Accreditation: Procedures and Standards and Criteria

## CHAPTER 67-19-01

### ACCREDITATION: PROCEDURES AND STANDARDS AND CRITERIA

#### Section

67-19-01-01	Definitions
67-19-01-02	Accreditation Status
67-19-01-03	Loss of Accreditation Status - Penalties
67-19-01-04	Nonclassified
67-19-01-05	Identification of Accreditation Status
67-19-01-06	Classification by School Grade Description and Authority
67-19-01-07	Enrollment Categories
67-19-01-08	Qualifications and Time Assignments for Administrators, Counselors, and Library Media Specialists
67-19-01-09	Types of Standards and Criteria - Penalties
67-19-01-10	Review Cycle
67-19-01-11	Appeals Procedure
67-19-01-12	Alternative Formats and Procedures
67-19-01-13	Calculation Tables for Secondary, Middle Level, and Junior High Schools
67-19-01-14	Calculation Tables for Elementary Schools
67-19-01-15	School Program Improvement
67-19-01-16	Administration - Superintendent Qualifications and Time Assignments
67-19-01-17	Qualifications of an Administrative Assistant or Assistant Superintendent
67-19-01-18	Administration - Secondary School Principal Qualifications and Time Assignments
67-19-01-19	Administration - Middle Level and Junior High School Principal and Assistant Principal - Qualifications and Time Assignments
67-19-01-20	Administration - Elementary School Principal Qualifications and Time Assignments
67-19-01-21	Administration - Shared Elementary School Principal - Elementary School Principal Qualifications and Time Assignments