

**SENATE BILL NO. 2186**

Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota  
2 Century Code, relating to the creation of an innovative ~~piloted~~education program to improve-  
3 student educational performance; and to amend and reenact section 15.1-06-08.1 of the North  
4 Dakota Century Code, relating to statutory waivers.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-06-08.1. Statutes - Waiver.**

9 1. ~~The superintendent of public instruction may not waive any statute, in whole or in part,~~  
10 ~~except as provided for in this section.~~

11 ~~2.~~ A school or school district may apply to the superintendent of public instruction for a  
12 waiver of section 15.1-21-03, ~~provided~~if the waiver:

- 13 a. Encourages innovation; and  
14 b. Has the potential to result in improved educational opportunities or enhanced  
15 academic opportunities for the students.

16 ~~3.2.~~ The initial waiver must be for a specific period of time but may not exceed one year.  
17 The school district may apply for extensions of the waiver. The first extension may not  
18 exceed a period of one year. Additional extensions may not exceed periods of two  
19 years.

20 ~~4.3.~~ If the superintendent of public instruction, after receipt and consideration of an  
21 application for a waiver under this section, approves the waiver, the superintendent  
22 shall file a report with the legislative council. The report must provide a detailed  
23 account of the reasons for which the waiver was granted and the specific time period  
24 for the waiver. If the superintendent of public instruction denies an application for a

1 waiver under this section, the superintendent shall file a notice of denial with the  
2 legislative council. If requested, the superintendent shall appear and respond to  
3 questions regarding the approval or denial of any application for a waiver under this  
4 section.

5 ~~5.4.~~ The superintendent of public instruction shall adopt rules governing the submission  
6 and evaluation of applications and the monitoring of any school or school district that  
7 receives a waiver under this section.

8 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created  
9 and enacted as follows:

10 **Innovative learning education program - Pilot program Participation - Reports to**  
11 **legislative management.**

12 1. The superintendent of public instruction shall adopt rules to administer this section and  
13 develop criteria for the submission, approval, and evaluation of the proposals and  
14 plans under this section.

15 ~~2. The superintendent of public instruction may approve an application accept a proposal~~  
16 ~~from any public or nonpublic school for a one-year pilot program to improve student~~  
17 ~~educational performance. Notwithstanding any other provision of law, the~~  
18 ~~superintendent of public instruction may approve public and nonpublic school pilot~~  
19 ~~programs that provide for more local control and flexibility of the program than~~  
20 ~~provided for under state law., upon approval by the local school board or governing~~  
21 board, for participation in an innovative education program. The proposal must specify  
22 the innovations to be pursued at the school or school district level and the manner in  
23 which the proposal will:

24 a. Improve the delivery of education;

25 b. Improve the administration of education;

26 c. Provide increased educational opportunities for students; or

27 d. Improve the academic success of students.

28 ~~2.3. Following~~ The superintendent of public instruction may approve the proposal, reject the  
29 proposal, or work with the submitting school to modify the proposal.

30 ~~4. During the school's initial approval of a program and before the end of the one-year~~  
31 pilot year of participation in the innovative education program, the school may

1 ~~submit~~shall develop a comprehensive implementation plan ~~to~~and work with the  
2 superintendent of public instruction to ensure the long-term viability of the proposal.

3 5. The superintendent of public instruction shall assist the school in creating a long-term  
4 sustainability plan for the program and may approve the comprehensive  
5 implementation plan to continue the program developed under subsection 4 for a  
6 period of up to five years.

7 ~~3. During the implementation period the superintendent of public instruction may~~  
8 ~~authorize the school to use any of the following methods to improve implementation,~~  
9 ~~innovation, and state evaluation:~~

10 ~~a. Awarding credit for learning that takes place off school premises or outside~~  
11 ~~normal school hours;~~

12 ~~b. Allowing flexibility regarding instructional hours, school days, and school years;~~  
13 ~~and~~

14 ~~c. Allowing any other appropriate flexibility necessary to implement the program.~~

15 ~~4. The superintendent of public instruction shall create evaluation criteria for any pilot~~  
16 ~~project and adopt rules to implement the program in accordance with chapter 28-32.~~  
17 ~~Any school participating in a pilot project or implementing a program shall submit for~~  
18 ~~review any data requested by the superintendent which is required for evaluation of~~  
19 ~~the project or program. If, due to a change in circumstances, there is a determination~~  
20 ~~by either the school or the superintendent of public instruction that modifications to the~~  
21 ~~comprehensive implementation plan are necessary, the school and the superintendent~~  
22 ~~of public instruction shall work with each other to achieve the necessary modifications.~~

23 6. Beginning in the initial year of the implementation of the program, the superintendent  
24 of public instruction may provide the school with a waiver of any state statute or rule or  
25 provide authorization necessary for implementation of the plan.

26 7. The superintendent of public instruction may revoke any waiver or authorization  
27 granted under this section if the superintendent of public instruction determines the  
28 school has failed to perform in accordance with the agreed upon terms of the program  
29 or failed to meet the requirements of this section.

- 1     8. Any school participating in the program shall provide program evaluation data to the  
2             superintendent of public instruction at the time and in the manner requested by the  
3             superintendent of public instruction.
- 4     9. The superintendent of public instruction shall provide periodic reports to the legislative  
5             management regarding the innovative education program.