

# ELEMENTARY AND SECONDARY EDUCATION

## CHAPTER 144

### SENATE BILL NO. 2215

(Senator Schaible)  
(Representative Owens)

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

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

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

##### **Kindergarten through grade twelve education coordination council.**

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



- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
  - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
  - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
  - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
  - g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
  - h. Develop and utilize subcommittees as needed.
  - i. Seek advice and input from interested parties not appointed to the council as needed.
8. The council shall meet at least four times per calendar year.
9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management.

<sup>51</sup> **SECTION 2. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

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

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<sup>51</sup> Section 28-32-01 was also amended by section 6 of House Bill No. 1521, chapter 472, and section 1 of Senate Bill No. 2264, chapter 265.

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- e. The department of commerce with respect to the division of economic development and finance.
  - f. The dairy promotion commission.
  - g. The education factfinding commission.
  - h. The educational technology kindergarten through grade twelve education coordination council.
  - i. The board of equalization.
  - j. The board of higher education.
  - k. The Indian affairs commission.
  - l. The industrial commission with respect to the activities of the Bank of North Dakota, North Dakota housing finance agency, public finance authority, North Dakota mill and elevator association, North Dakota farm finance agency, the North Dakota transmission authority, and the North Dakota pipeline authority.
  - m. The department of corrections and rehabilitation except with respect to the activities of the division of adult services under chapter 54-23.4.
  - n. The pardon advisory board.
  - o. The parks and recreation department.
  - p. The parole board.
  - q. The state fair association.
  - r. The attorney general with respect to activities of the state toxicologist and the state crime laboratory.
  - s. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
  - t. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.
  - u. The attorney general with respect to guidelines adopted under section 12.1-32-15 for the risk assessment of sexual offenders, the risk level review process, and public disclosure of information under section 12.1-32-15.
  - v. The commission on legal counsel for indigents.
  - w. The attorney general with respect to twenty-four seven sobriety program guidelines and program fees.
  - x. The industrial commission with respect to approving or setting water rates under chapter 61-40.

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

1. The statewide longitudinal data system committee consists of:
  - a. The commissioner of the board of higher education or the commissioner's designee;
  - b. The superintendent of public instruction or the superintendent's designee;
  - c. The chief information officer or the officer's designee;
  - d. The director of the department of career and technical education or the director's designee;
  - e. The director of job service North Dakota or the director's designee;
  - f. The commissioner of commerce or the commissioner's designee;
  - g. The director of the department of human services or the director's designee;
  - h. ~~The director of the North Dakota educational technology council;~~
  - i. The executive director of the North Dakota council of educational leaders or the executive director's designee;
  - j. The director of the North Dakota workforce development council or the director's designee; and
  - k. Two members of the legislative assembly appointed by the chairman of the legislative management.

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

Approved April 30, 2019

Filed May 2, 2019

## CHAPTER 145

### SENATE BILL NO. 2025

(Legislative Management)  
(Education Policy Committee)

AN ACT to amend and reenact section 15.1-02-04 of the North Dakota Century Code, relating to the duty of the superintendent of public instruction to review the statewide education strategic vision; and provide reports to the legislative assembly and legislative management.

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

<sup>52</sup> **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

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

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's

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<sup>52</sup> Section 15.1-02-04 was also amended by section 1 of House Bill No. 1429, chapter 146.

strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

Approved April 8, 2019

Filed April 9, 2019

## CHAPTER 146

### HOUSE BILL NO. 1429

(Representatives Schreiber-Beck, D. Johnson, Pyle, Sanford)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to a teacher shortage loan forgiveness program administered by the superintendent of public instruction; to amend and reenact section 15.1-02-04 of the North Dakota Century Code, relating to the duties of the superintendent of public instruction; to repeal section 15-10-38 of the North Dakota Century Code, relating to a teacher shortage loan forgiveness program administered by the state board of higher education; to provide for a transfer; to provide an exemption; to provide an effective date; and to provide an expiration date.

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

<sup>53</sup> **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

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

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.

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<sup>53</sup> Section 15.1-02-04 was also amended by section 1 of Senate Bill No. 2025, chapter 145.

9. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.

**SECTION 2. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

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

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. ~~Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.~~

**SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Loans - Teacher shortages - Loan forgiveness.**

1. The superintendent of public instruction shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need. The superintendent may approve loan forgiveness for no more than two teachers per year in a school district. The superintendent shall adopt rules to implement the program.
2. The superintendent annually shall identify grade levels, content areas, and geographical locations in which a teacher shortage or critical need exists.
3. To be eligible for loan forgiveness under this section, an individual:

- a. Must have graduated from an accredited teacher preparation program and signed a contract to teach at a grade level or in a content area and in a geographical location identified by the superintendent as having an existing teacher shortage or critical need; and
- b. Must have an existing student loan.
4. For purposes of this section, the definitions of rural school district and remote town school district have the same meaning as the definitions under the national center for education statistics locale codes.
5. If an individual is receiving loan forgiveness under any other provision, the individual may not receive loan forgiveness under this section during the same application year.
6. Subject to appropriation, an eligible individual may receive loan forgiveness under the program as follows:
  - a. If the individual accepts one of up to five positions of critical need in a nonrural school district or nonremote town school district, the individual may receive up to three thousand dollars per year for a maximum of four consecutive years.
  - b. If the individual accepts a position in a rural school district or remote town school district with an enrollment of fewer than one thousand students, the individual may receive up to four thousand five hundred dollars per year for a maximum of four consecutive years.
  - c. If the individual accepts one of up to five positions of critical need in a rural school district or remote town school district with an enrollment of fewer than one thousand students, the individual may receive up to six thousand five hundred dollars per year for a maximum of four consecutive years.
7. The superintendent shall consider all applications under this section based on the number of unfilled school vacancies, prioritized by critical need and geographic location.
8. Upon notification the individual has completed a full year of teaching in a school district, state-supported school, or nonpublic school in this state at a grade level or in a content area and in a geographical location identified by the superintendent as one in which a teacher shortage or critical need exists, the superintendent shall distribute funds directly to the lending institution of the individual to repay outstanding loan principal balances on behalf of eligible applicants. The superintendent shall terminate loan forgiveness payments to eligible individuals if the loan principal balance of the eligible individual is paid in full.
9. The superintendent shall administer the program only for eligible individuals receiving teacher loan forgiveness benefits for the 2018-19 school year. The superintendent shall provide benefits under this program to eligible individuals until the individual has received the maximum benefit under this section or has become ineligible to receive benefits under the program.

**SECTION 4. REPEAL.** Section 15-10-38 of the North Dakota Century Code is repealed.

**SECTION 5. TRANSFER.** The commissioner of higher education shall transfer the funding continued into the 2019-21 biennium to the superintendent of public instruction to defray the expenses of the teacher loan forgiveness program.

**SECTION 6. EXEMPTION - TEACHER LOAN FORGIVENESS PROGRAM FUNDING.** Pursuant to provisions of section 54-44.1-11 the unexpended amount remaining from the appropriation for the teacher loan forgiveness program, as authorized in section 1 of chapter 28 of the 2017 Session Laws, at the end of the 2017-19 biennium, may be continued into the 2019-21 biennium for the purpose of providing teacher loan forgiveness.

**SECTION 7. EFFECTIVE DATE.** Section 2 of this Act becomes effective July 1, 2023.

**SECTION 8. EXPIRATION DATE.** Section 3 of this Act is effective through June 30, 2022, and after that date is ineffective.

Approved May 1, 2019

Filed May 2, 2019

## CHAPTER 147

### HOUSE BILL NO. 1027

(Legislative Management)  
(Education Policy Committee)

AN ACT to amend and reenact sections 15.1-02-15, 15.1-02-17, and 15.1-09-33.2 of the North Dakota Century Code, relating to references to the Every Student Succeeds Act.

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

**SECTION 1. AMENDMENT.** Section 15.1-02-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-02-15. ~~No Child Left Behind~~Every Student Succeeds Act - Information required.**

Whenever the superintendent of public instruction determines that any bill or amendment under consideration by an interim committee of the legislative management or by a standing committee or a conference committee of the legislative assembly contains a provision required by the ~~No Child Left Behind~~Every Student Succeeds Act of 20012015 [Pub. L. 107-110114-95; 115114 Stat. 14251177; 20 U.S.C. 630128, et seq.] or by federal regulations promulgated to implement that Act, the superintendent shall provide the members of the appropriate committee with the specific language of the ~~No Child Left Behind~~Every Student Succeeds Act which sets forth the requirement, together with the statutory citation for that language, or the specific language of the federal regulations which sets forth the requirement, together with the citation for the regulations.

**SECTION 2. AMENDMENT.** Section 15.1-02-17 of the North Dakota Century Code is amended and reenacted as follows:

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

Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the ~~No Child Left Behind~~Every Student Succeeds Act of 20012015 [Pub. L. 107-110114-95; 115114 Stat. 14251177; 20 U.S.C. 630128 et seq.], the superintendent shall present the proposed changes to ~~the~~an interim ~~no child left behind~~ committee designated by the legislative management. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

**SECTION 3. AMENDMENT.** Section 15.1-09-33.2 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-33.2. Continuing education - Payment - Directives.**

A school board's right to reimburse teachers for the cost of continuing education activities undertaken in connection with the ~~No Child Left Behind~~Every Student Succeeds Act of ~~2001~~2015 may not be contractually curtailed.

Approved March 12, 2019

Filed March 13, 2019

## CHAPTER 148

### SENATE BILL NO. 2171

(Senators Rust, Davison, Oban)  
(Representatives Guggisberg, Monson, Sanford)

AN ACT to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to credentials for teachers of computer and cyber science.

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

**SECTION 1. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;

17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing; and
19. Credentials for teachers of computer and cyber science; and
20. Certificate of completion for paraprofessionals.

Approved March 19, 2019

Filed March 20, 2019

## CHAPTER 149

### SENATE BILL NO. 2265

(Senators Schaible, Davison, Rust)  
(Representatives Owens, Schreiber-Beck)

AN ACT to create and enact a new section to chapter 15.1-02 and section 15.1-27-04.3 of the North Dakota Century Code, relating to state school aid local property tax effort and credentialing of title I certified teachers and coordinators; to amend and reenact sections 15.1-06-04 and 15.1-07-34, the new section to chapter 15.1-09, as created by section 1 of Senate Bill No. 2230, as approved by the sixty-sixth legislative assembly, and sections 15.1-18-10, 15.1-21-03, 15.1-27-02, 15.1-27-03.1, 15.1-27-04.1, 15.1-27-23, 15.1-27-35, 15.1-29-02.1, 15.1-29-12, and 57-15-14.2 of the North Dakota Century Code, relating to teacher professional development days in the school calendar, youth behavioral health training, school board membership, teaching licenses, high school unit instructional time, per student payments, the determination of weighted average daily membership, state aid payable to school districts, weather emergencies, the calculation of average daily membership, a cross-border attendance contract with South Dakota, the determination of tuition payments, and school district levies; to repeal section 15.1-06-05 of the North Dakota Century Code, relating to applications for reconfiguration of instructional days; to provide for a report to legislative management; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

<sup>54</sup> **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

##### **Credentials for teachers and coordinators of title I.**

The superintendent of public instruction shall create a process to reinstate and recertify title I credentials for individuals in the state who held a valid certification, issued by the department of public instruction, as of July 1, 2018, and continue the process in perpetuity. A school district may advertise employment for a title I certified teacher each year until the position is filled. The board of a school district may authorize the hiring of a teacher who is not certified as a title I teacher for the school year if the school district fails to receive applications from qualified applicants to fill the advertised position by July 1.

**SECTION 2. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-06-04. School calendar - Length.**

1. A school district shall provide for a school calendar that includes:

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<sup>54</sup> Section 15.1-09-01.1 was created by section 1 of Senate Bill No. 2230, chapter 155.

- a. ~~At least one hundred seventy-five days~~ nine hundred sixty-two and one-half hours of instruction for elementary school students and one thousand fifty hours of instruction for middle and high school students;
  - b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
  - c. No more than two days for:
    - (1) Parent-teacher conferences; or
    - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
  - d. ~~At least two~~ three days of professional development not including meals or breaks.
2. a. ~~For the first three days of professional development required under subdivision d of subsection 1, a day of professional development must consist of:~~
- ~~(1)~~ a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
  - ~~(2)~~ b. Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
  - ~~(3)~~ c. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
- b. ~~If a school district offers a four-hour period of professional development, as permitted in this subsection, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subdivision does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~
3. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1.
4. For purposes of this section, a full day of instruction consists of:
- a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
  - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

5. If a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply and be approved for a waiver by the superintendent of public instruction.

<sup>55</sup> **SECTION 3. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-34. Provision of youth behavioral health training to teachers, administrators, and ancillary staff.**

1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
  - a. Trauma;
  - b. Social and emotional learning, including resiliency;
  - c. Suicide prevention;
  - d. Bullying;
  - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
  - f. Knowledge of behavioral health symptoms, and risks;
  - g. Awareness of referral sources and evidence-based strategies for appropriate interventions; or
  - h. Other evidence-based strategies to reduce risk factors for students; or
  - i. Current or new evidence-based behavior prevention or mitigation techniques.
2. Each school district shall report the professional development hours to the department of public instruction.
3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training materials, and notice of training opportunities to school districts and nonpublic schools.

**SECTION 4. AMENDMENT.** The new section to chapter 15.1-09, as created by section 1 of Senate Bill No. 2230, as approved by the sixty-sixth legislative assembly, is amended and reenacted as follows:

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<sup>55</sup> Section 15.1-07-34 was also amended by section 1 of Senate Bill No. 2149, chapter 154.

### School board membership - Prohibition.

If a tribal government has prescribed by tribal law or resolution qualifications for eligibility for candidates for public office relating to criminal convictions which are more restrictive than the laws of this state, the qualifications of candidates for eligibility for membership of a public school board of a school district located on tribal land may not be less restrictive than the qualifications for eligibility prescribed by tribal law or resolution for public office relating to criminal convictions. For purposes of this section, "tribal land" means that portion of the land within the exterior boundaries of an Indian reservation which is located in the state.

<sup>56</sup> **SECTION 5. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

#### 15.1-18-10. Specialty areas - Teacher qualification.

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
  - a. Is licensed to teach by the education standards and practices board;
  - b. Is approved to teach in that area by the education standards and practices board; and
  - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
  - a. Has a permit issued by the board and has a high school diploma; and
  - b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught;  
(2) Possesses a certificate, permit, or degree in the subject area to be taught; or  
(3) Achieves a passing score on the Praxis content test.

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<sup>56</sup> Section 15.1-18-10 was also amended by section 1 of House Bill No. 1531, chapter 163, section 18 of Senate Bill No. 2013, chapter 38, and section 18 of Senate Bill No. 2015, chapter 40.

**SECTION 6. AMENDMENT.** Section 15.1-21-03 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of ~~instruction~~student engagement per school calendar.
2. The following units must consist of at least one hundred fifty hours of ~~instruction~~student engagement per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.

**SECTION 7. AMENDMENT.** Section 15.1-27-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-02. Per student payments - Required reports.**

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the September payment unless the district has filed the September tenth fall enrollment report with the superintendent.
2. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:
  - a. The June thirtieth student membership and attendance report;
  - b. An annual school district financial report; and
  - c. ~~The September tenth fall enrollment report; and~~
  - d. The personnel report forms for licensed and nonlicensed employees.
- ~~2-3.~~ On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and mill levy certifications. If a district fails to file the taxable valuation and mill levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and mill levy certifications are filed.

**SECTION 8. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03.1. Weighted average daily membership - Determination.**

1. For each school district, the superintendent of public instruction shall multiply by:

- a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
- b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
- c. 0.40 the number of full-time equivalent students who:
  - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
  - (2) Are enrolled in a program of instruction for English language learners;
- d. 0.28 the number of full-time equivalent students who:
  - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
  - (2) Are enrolled in a program of instruction for English language learners;
- e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
- f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
- g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
- h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
- i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
- j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
- k. 0.07 the number of full-time equivalent students who:
  - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more

- proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
- (2) Are enrolled in a program of instruction for English language learners; and
  - (3) Have not been in the third of six categories of proficiency for more than three years;
- I. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; ~~and~~
  - m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.; and
  - n. 0.50 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

**SECTION 9. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03.1. Weighted average daily membership - Determination.**

1. For each school district, the superintendent of public instruction shall multiply by:
  - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
  - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
  - c. 0.40 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - d. 0.28 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of

proficiency and therefore placed in the second of six categories of proficiency; and

- (2) Are enrolled in a program of instruction for English language learners;
- e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
- f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
- g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
- h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
- i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
- j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
- k. 0.07 the number of full-time equivalent students who:
- (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
- (2) Are enrolled in a program of instruction for English language learners; and
- (3) Have not been in the third of six categories of proficiency for more than three years;
- l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

- n. ~~0.500.60~~ the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership increasing the factor annually by 0.10, not to exceed 1.00; and
- o. For districts paid based on September tenth enrollment in the prior year, 0.50 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership, increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

**SECTION 10. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-04.1. Baseline funding - Establishment - Determination of state aid.**

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
- a. All state aid received by the district in accordance with chapter 15.1-27 during the ~~2012-13~~2018-19 school year;
  - b. ~~The district's 2012-13 mill levy reduction grant, as determined in accordance with chapter 57-64, as it existed on June 30, 2013;~~
  - c. An amount equal to that raised by the district's 2012 general fund levy or that raised by one hundred ten mills of the district's 2012 general fund levy, whichever is less, the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
  - d. ~~An amount equal to that raised by the district's 2012 long-distance learning and educational technology levy;~~
  - e. ~~An amount equal to that raised by the district's 2012 alternative education program levy; and~~
  - f.c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
    - (1) ~~Seventy-five percent of all revenue received by the school district and~~Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (2) ~~Seventy-five percent of all mineral~~Mineral revenue received by the school district through direct allocation from the state treasurer and not

reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

- (3) ~~Seventy five percent of all tuition received by the school district and~~ Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
  - (4) ~~Seventy five percent of all revenue received by the school district~~ Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
  - (5) ~~Seventy five percent of all revenue received by the school district~~ Revenue from payments in lieu of taxes on electricity generated from sources other than coal;
  - (6) ~~All revenue received by the school district from mobile home taxes;~~
  - (7) ~~Seventy five percent of all revenue received by the school district~~ Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);
  - (8) All telecommunications and
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
  - (2) Telecommunications tax revenue received by the school district; and
  - (9)(3) ~~All revenue received by the school district~~ Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.

2. a. The superintendent shall divide the district's total baseline funding determined in subsection 1 by the district's 2012-13 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. In 2017-18 For the 2019-20 school year, the superintendent shall multiply the calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by nine thousand six hundred forty-six thirty-nine dollars;
  - (1) The superintendent shall adjust the product to ensure the product is at least equal to the greater of:
    - (a)(2) One hundred eight one percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by nine thousand eight hundred thirty-nine dollars; or
    - (b)(3) One hundred percent of the The district's baseline funding as established in subsection 1.
  - (2) The superintendent also shall adjust the product to ensure the product does not exceed one hundred forty percent of the district's baseline funding per weighted student unit multiplied by the district's weighted

- ~~student units from the previous school year, as established in subsection 2.~~
- b. ~~In 2018-19~~For the 2020-21 school year and each school year thereafter, the superintendent shall ~~multiply the~~calculate state aid as the greater of:
- (1) ~~The district's weighted student units multiplied by nineteen thousand six hundred forty-six~~thirty-six dollars.
  - (1) ~~The superintendent shall adjust the product to ensure the product is at least equal to the greater of:~~
  - (2)
    - (a) ~~One hundred eight~~two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units ~~from the previous school year, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand thirty-six dollars; or~~
    - (b)(3) ~~One hundred percent of the~~The district's baseline funding as established in subsection 1 ~~less the amount in paragraph 1, with the difference reduced by fifteen percent for the 2021-22 school year and fifteen percent each school year thereafter, and then the difference added to the amount determined in paragraph 1.~~
- c. The superintendent also shall adjust state aid determined in this subsection:
- (1) ~~For the 2019-20 school year, to ensure the amount does not exceed one hundred five percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~
  - (2) ~~The superintendent also shall adjust the product~~For the 2020-21 school year and each school year thereafter, to ensure the ~~product~~amount does not exceed one hundred ~~forty~~ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and
  - b. Subtract an amount equal to seventy-five percent of all ~~revenues~~revenue ~~types listed in paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred percent of all revenues listed in~~

paragraphs 6, 8, and 9 of subdivision subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

(1) Tuition revenue shall be adjusted as follows:

(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition revenue received for the provision of an adult farm management program as directed in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2018 by the school district for sinking and interest relative to the total mills levied in 2018 by the school district for all purposes.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
  - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
  - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
  - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

**SECTION 11. AMENDMENT.** Subdivision a of subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, ~~except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and~~

**SECTION 12.** Section 15.1-27-04.3 of the North Dakota Century Code is created and enacted as follows:

**15.1-27-04.3. Adjustment to state aid - Local property tax effort.**

If the amount subtracted from a school district's state aid payment under subdivision a of subsection 4 of section 15.1-27-04.1 is less than the amount generated by sixty mills, the superintendent of public instruction shall adjust the amount subtracted as follows:

1. For the 2020-21 school year, increase the amount subtracted by an amount equal to ten percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
2. For the 2021-22 school year, increase the amount subtracted by an amount equal to twenty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
3. For the 2022-23 school year, increase the amount subtracted by an amount equal to forty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
4. For the 2023-24 school year, increase the amount subtracted by an amount equal to sixty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section; and
5. For the 2024-25 school year, increase the amount subtracted by an amount equal to eighty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section.

**SECTION 13. AMENDMENT.** Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.**

1. The board of each school district shall include in the school calendar days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions.
2. a. The number of days required under subsection 1 must equal the average number of days per school year, as calculated using the previous five school years, during which the school district remained closed or provided less than a full day of instruction because of severe weather or other emergency conditions.

- b. ~~The number of days determined under subdivision a may be included within the calendar no earlier than the month of January.~~
3. ~~If the number of days during which a public school or school district is closed or provides less than a full day of instruction exceeds the number of days determined under subdivision a of subsection 2, the public school or school district shall make every effort to reschedule the remaining classes, so that students receive at least the number of full instructional days required by section 15.1-06-04 or an equivalent period of instructional time, as determined by the superintendent of public instruction establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04.~~
- 4-2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.
5. ~~The governor may not grant a waiver for less than a full day of instruction. However, if a public school or school district closes for only a portion of its regular schoolday, the hours during which the school or school district is closed may be added together to determine the number of additional full days of instruction that may be waived under this section.~~

**SECTION 14. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-35. Average daily membership - Calculation.**

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of dayshours that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of dayshours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
- ~~The school district's calendar~~Nine hundred sixty-two and one-half hours for elementary school students; or
  - ~~One hundred eighty-two thousand fifty hours for middle and high school students.~~
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
- ~~The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;~~
  - ~~The two days set aside for professional development activities under section 15.1-06-04; and~~

- e. ~~The two full days, or portions thereof, during which parent teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent teacher conferences held outside regular school hours.~~
3. For purposes of calculating average daily membership:
- a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

**SECTION 15. AMENDMENT.** Section 15.1-29-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-02.1. Cross-border attendance - Contract with South Dakota.**

1. A student who resides in a North Dakota school district contiguous to the South Dakota border may attend school in South Dakota, and a student who resides in a South Dakota school district contiguous to the North Dakota border may attend school in North Dakota, provided the superintendent of public instruction has entered into a contract with the secretary of the South Dakota department of education for the cross-border attendance of eligible students.
2. A contract entered under subsection 1 must set forth:
  - a. An application procedure;
  - b. Causes for denial of an application; and
  - c. The manner and notification of acceptance.
3. A contract entered under subsection 1 must authorize the superintendent of public instruction to count any South Dakota student participating in cross-border attendance under this section for the purposes of determining the amount of state aid to which a school district in this state is entitled. The superintendent of public instruction may not count a North Dakota student participating in cross-border attendance in accordance with the contract for purposes of determining the amount of state aid to which a school district in this state is entitled.
4. A contract entered under subsection 1 must provide that if there are more students from North Dakota than South Dakota participating in cross-border attendance under this section, the superintendent of public instruction shall forward to the secretary of the South Dakota department of education, on behalf of each excess student, an amount annually agreed to by the

superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The contract must also provide that if there are more students from South Dakota than North Dakota participating in cross-border attendance under this section, the secretary shall forward to the superintendent, on behalf of each excess student, an amount annually agreed to by the superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The superintendent shall pay the cost of cross-border attendance from funds appropriated by the legislative assembly for state aid to schools. Payments received by the superintendent under this subsection shall be deposited in the general fund.

- ~~5.~~ The superintendent of public instruction shall annually reconcile the number of students from each school district in this state who participate in cross-border attendance under this section with the number of students from school districts in South Dakota who participate in cross-border attendance under this section. The superintendent of public instruction shall withhold from each school district's state aid an amount equal to the cost incurred by the state on the part of the school district in permitting the cross-border attendance of students under this section.
6. A student who requires special education services may participate in cross-border attendance under this section, provided the contract entered under subsection 1 sets forth each school district's and each state's responsibilities for payment of any excess costs incurred as a result of providing the services to the student.
- ~~7-6.~~ Each school district may provide transportation to students participating in cross-border attendance under this section. However, the superintendent of public instruction may include only transportation provided within this state for purposes of determining the state transportation aid to which a district is entitled.
- ~~8-7.~~ Sections 15.1-29-01 through 15.1-29-13 do not apply to students participating in cross-border attendance under this section.

**SECTION 16. AMENDMENT.** Section 15.1-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-12. Tuition payments - Determination.**

1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education per student incurred by the admitting district.
2. a. The admitting district shall determine the cost of education per student for its kindergarten, elementary, and high school students on the basis of its average daily membership and those expenditures permitted in determining the cost of education per student in section 15.1-27-03.
- b. To the cost of education per student, the admitting district shall add the latest available statewide average per student cost for extracurricular activities and the state average capital outlay per student. The state average capital outlay per student is determined by dividing the total of all school districts' annual expenditures for sinking and interest funds, tax

- receipts to the building funds, and general fund expenditures for capital outlay by the average daily membership of the state.
- c. The admitting district shall subtract the following from the amount arrived at under subdivision b:
- (1) The per student payment multiplied by the admitting district's school size weighting factor; and
  - (2) Any credit for taxes paid to the admitting district by the student's parent.
- d. The amount remaining is the full cost of education per student incurred by the admitting district. The tuition amount payable for the individual student is the lesser of:
- (1) The full cost of education per student incurred by the admitting district; or
  - (2) One hundred fifty percent of the state average full cost of education per student.
- e. Admitting school districts shall charge the tuition amount payable determined in subdivision d multiplied by two hundred percent or four thousand dollars, whichever is greater, if the admitting school district:
- (1) Is located in an oil-producing county;
  - (2) Is eligible to receive gross production tax revenue in lieu of property taxes;
  - (3) Is located in cities with populations over twenty-four thousand;
  - (4) Has a tax base fewer than twenty square miles;
  - (5) Levies greater than sixty mills for local property taxes;
  - (6) Has student enrollments of greater than four thousand;
  - (7) Has average student growth of over two hundred per year over the preceding five years;
  - (8) Uses portable classrooms; and
  - (9) Has enrollment exceeding school facility capacity.
3. This section does not affect the right of a school board to charge and collect tuition from students who are not residents of this state, in accordance with section 15.1-29-02.

<sup>57</sup> **SECTION 17. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>57</sup> Section 57-15-14.2 was also amended by section 3 of Senate Bill No. 2052, chapter 482.

**57-15-14.2. School district levies.**

1. ~~For taxable years after 2013, the~~The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent ~~and the dollar amount of the adjustment required in section 15.1-27-04.3,~~ up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. ~~For taxable years after 2013, the~~The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. Nothing in this section limits the board of a school district from levying:
  - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
  - b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

**SECTION 18. AMENDMENT.** Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent ~~and the dollar amount of the adjustment required in section 15.1-27-04.3,~~ up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

**SECTION 19. REPEAL.** Section 15.1-06-05 of the North Dakota Century Code is repealed.

**SECTION 20. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION FOUNDATION AID STABILIZATION FUND - RAPID ENROLLMENT GRANT ONE-TIME FUNDING.** There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of

\$3,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing rapid enrollment grants to school districts, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funding provided in this section is considered a one-time funding item. The superintendent of public instruction shall award rapid enrollment grants to eligible districts only during the first year of the 2019-21 biennium based on the following criteria:

1. A district is eligible to receive a grant under this section if the number of students reflected in the district's September tenth enrollment report exceeds the number of students in the prior year September tenth enrollment report. The increase must be at least four percent or one hundred fifty students and must be at least twenty students.
2. The superintendent of public instruction shall calculate the amount to which an eligible district is entitled as follows:
  - a. Determine the actual percentage increase in the number of students and subtract two from the percentage calculated;
  - b. Determine the number of students represented by the difference determined in subdivision a of this subsection;
  - c. Multiply the number of students determined in subdivision b of this subsection by \$4,000.
3. If the amount of the appropriation provided for in this section is insufficient to meet the obligations of this subsection, the superintendent of public instruction shall prorate the payment based on the percentage of the total amount to which each school district is entitled.
4. Any district that is precluded from receiving state aid under section 15.1-27-35.3 is not eligible to receive a grant under this section.

**SECTION 21. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOUNDATION AID STABILIZATION FUND - MUSIC EDUCATION GRANTS.** There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$800,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing music education grants, for the biennium beginning July 1, 2019, and ending June 30, 2021. At the beginning of the biennium, each eligible school may receive a grant disbursement for kindergarten through grade five based on the average daily membership of the school. Upon request, the department of public instruction shall award an eligible school a music education grant. The department must report to the sixty-seventh legislative assembly regarding the grants awarded and outcomes, including the program's impact on student behavior and mental health. The funding provided in this section is considered a one-time funding item.

**SECTION 22. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing matching funds to an organization providing research-based literacy intervention services to students below grade four who score below proficient in reading, for the biennium beginning July 1, 2019, and ending June 30, 2021. The department may spend the appropriated funds only as authorized in this section.

**SECTION 23. EDUCATION FUNDING FORMULA - STUDY.** There is created an education funding formula review committee. During the 2019-20 interim, the education funding formula review committee shall study the kindergarten through grade twelve education funding formula, including the components, adjustments, and weighting factors of the formula. The membership of the committee consists of the chairmen of the standing education committees of the house of representatives and the senate; three additional members of the senate, two of which must be appointed by the majority leader of the senate and one of which must be appointed by the minority leader of the senate; and three additional members of the house of representatives, two of which must be appointed by the majority leader of the house of representatives and one of which must be appointed by the minority leader of the house of representatives. Members appointed to the committee must have a secure knowledge of the current kindergarten through grade twelve funding formula. The committee shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 24. STUDY - EFFECT OF IMPACT AIDE ON THE FUNDING FORMULA.** During the 2019-20 interim, the department of public instruction, the Indian affairs commission, and the kindergarten through grade twelve coordinating council, shall study the effect of impact aide on the funding formula to reservation schools. The department of public instruction, the Indian affairs commission, and the kindergarten through grade twelve coordinating council shall report their findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 25. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher permits issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

**SECTION 26. EFFECTIVE DATE.** Section 8 of this Act becomes effective on July 1, 2020. Section 9 of this Act becomes effective on July 1, 2021. Section 17 of this Act is effective for taxable years beginning after December 31, 2018. Section 18 of this Act is effective for taxable years beginning after December 31, 2024. Section 11 of this Act becomes effective on July 1, 2025.

**SECTION 27. EXPIRATION DATE.** Section 12 of this Act is effective through June 30, 2025, and after that date is ineffective.

**SECTION 28. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure.

Approved May 1, 2019

Filed May 2, 2019

## CHAPTER 150

### HOUSE BILL NO. 1385

(Representatives Skroch, Brandenburg, Fegley, Johnston, Jones, McWilliams, D.  
Ruby)  
(Senator Clemens)

AN ACT to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to mandatory safety training for school bus drivers.

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

<sup>58</sup> **SECTION 1. AMENDMENT.** Section 15.1-07-20 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-07-20. School vehicle driver - Requirements.**

1. a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Be free from communicable diseases;
  - (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
  - (4) Be of sound mental health;
  - (5) Pass any drug and alcohol screening tests required by the school board; and
  - (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
- b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
  - (3) Complete any annual training required by the superintendent of public instruction; and

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<sup>58</sup> Section 15.1-07-20 was also amended by section 1 of House Bill No. 1369, chapter 151.

- (4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties; and
- (5) Complete the national safety council defensive driving course number four workshop within the first year of employment and at least once every five years thereafter.
2. a. The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1.
- b. The health care professional conducting the examination shall forward any charges to the individual's insurance carrier for payment. Any examination costs that remain after application of the individual's insurance coverage are the responsibility of the board.

Approved March 12, 2019

Filed March 13, 2019

## CHAPTER 151

### HOUSE BILL NO. 1369

(Representatives M. Johnson, Beadle, Schreiber-Beck)  
(Senator Schaible)

AN ACT to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to payments for school bus driver physical examinations.

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

<sup>59</sup> **SECTION 1. AMENDMENT.** Section 15.1-07-20 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-07-20. School vehicle driver - Requirements.**

1. a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Be free from communicable diseases;
  - (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
  - (4) Be of sound mental health;
  - (5) Pass any drug and alcohol screening tests required by the school board; and
  - (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
- b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
  - (3) Complete any annual training required by the superintendent of public instruction; and

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<sup>59</sup> Section 15.1-07-20 was also amended by section 1 of House Bill No. 1385, chapter 150.

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- (4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
2. a. The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1.
- b. The health care professional conducting the examination shall forward any charges to the individual's insurance carrier for payment. Any examination costs ~~that for an initial examination and recertification examinations required to comply with chapter 15.1-07 which~~ remain after application of the individual's insurance coverage are the responsibility of the board. For any additional examinations, unless otherwise provided for by the board, any costs that remain after application of the individual's insurance coverage are the responsibility of the individual.

Approved April 10, 2019

Filed April 11, 2019

## **CHAPTER 152**

### **HOUSE BILL NO. 1088**

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to repeal section 15.1-07-31 of the North Dakota Century Code, relating to the purchase and distribution of automated external defibrillators.

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

**SECTION 1. REPEAL.** Section 15.1-07-31 of the North Dakota Century Code is repealed.

Approved March 14, 2019

Filed March 14, 2019

## CHAPTER 153

### SENATE BILL NO. 2101

(Education Committee)

(At the request of the Information Technology Department)

AN ACT to amend and reenact section 15.1-07-33 of the North Dakota Century Code, relating to the student information system.

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

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

##### **15.1-07-33. Student information system - Exemption.**

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall ~~acquire PowerSchool through~~ implement the state student information system administered by the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in ~~PowerSchool~~ the state student information system.
2. The ~~superintendent of public instruction~~ statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~ implement and utilize ~~PowerSchool~~ the state student information system if the school district demonstrates that, ~~in~~:
  - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system;  
or
  - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

Approved April 8, 2019

Filed April 9, 2019

## CHAPTER 154

### SENATE BILL NO. 2149

(Senators Heckaman, Grabinger, Robinson)  
(Representatives Devlin, Vigesaa)

AN ACT to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to behavioral health resource coordinators.

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

<sup>60</sup> **SECTION 1. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-34. ~~Provision of youth~~ Youth behavioral health training to teachers, administrators, and ancillary staff.**

1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
  - a. Trauma;
  - b. Social and emotional learning, including resiliency;
  - c. Suicide prevention;
  - d. Bullying;
  - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
  - f. Knowledge of behavioral health symptoms, and risks;
  - g. Awareness of referral sources and evidence-based strategies for appropriate interventions; or
  - h. Other evidence-based strategies to reduce risk factors for students.
2. Each school district shall report the professional development hours required under subsection 1 to the department of public instruction.
3. Each school within a district shall designate an individual as a behavioral health resource coordinator.

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<sup>60</sup> Section 15.1-07-34 was also amended by section 3 of Senate Bill No. 2265, chapter 149.

4. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training and instructional materials, and notice of training opportunities to school districts and nonpublic schools.
5. The superintendent of public instruction shall maintain the contact information of the behavioral health resource coordinator in each school.

Approved April 8, 2019

Filed April 9, 2019

## CHAPTER 155

### SENATE BILL NO. 2230

(Senators Poolman, Marcellais)  
(Representatives Monson, Roers Jones)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to public school board membership in a school district located on tribal land; and to declare an emergency.

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

<sup>61</sup> **SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

#### **School board membership - Prohibition.**

If a tribal government has prescribed by tribal law or resolution qualifications for eligibility for candidates for public office which are more restrictive than the laws of this state, the qualifications of candidates for eligibility for membership of a public school board of a school district located on tribal land may not be less restrictive than the qualifications for eligibility prescribed by tribal law or resolution for public office. For purposes of this section, "tribal land" means that portion of the land within the exterior boundaries of an Indian reservation which is located in the state.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 8, 2019

Filed April 9, 2019

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<sup>61</sup> Section 15.1-09-01.1 was amended by section 1 of Senate Bill No. 2265, chapter 149.

## CHAPTER 156

### HOUSE BILL NO. 1501

(Representatives Roers Jones, Heinert, M. Johnson, Pyle)  
(Senator Rust)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to suspension of a member of a school board; to amend and reenact section 54-10-15 of the North Dakota Century Code, relating to audits and suspension of school board members; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

##### **School board membership - Suspension.**

Upon the filing of a petition under chapter 44-11 for removal by the governor, the governor, in consultation with the superintendent of public instruction, may suspend a member of a school board pending the results of an audit in accordance with section 54-10-15.

**SECTION 2. AMENDMENT.** Section 54-10-15 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-15. Audits of political subdivisions by order of governor or the legislative audit and fiscal review committee, upon petition, or upon request of the state court administrator.**

1. The state auditor, by duly appointed deputy auditors or other authorized agents, shall audit or review the books, records, and financial accounts of any political subdivision when ordered by the governor or the legislative audit and fiscal review committee, requested by the governing board, or upon petition of at least thirty-five percent of the qualified electors of any political subdivision enumerated in section 54-10-14 voting for the office of governor at the preceding general election or, in the case of school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election, or upon the request of the state court administrator with respect to clerk of district court services provided by a county in accordance with chapter 27-05.2. Fees for the audits must be paid in accordance with the provisions of section 54-10-14.
2. If an audit is ordered due to financial irregularities or allegations of embezzlement, the governor may suspend an elected or appointed school board member from the individual's duties if the governor determines suspension is in the best interest of the state pending the results of the audit. If the governor suspends an elected or appointed school board member, the governor immediately shall provide notice to the school board with which the suspended member serves. Within five days of receiving notice, the school board shall appoint an individual to replace the suspended member to serve during the pendency of the audit. The governor shall consult with the

superintendent of public instruction in determining whether suspension of a member of a school board is in the best interest of the state.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 10, 2019

Filed April 11, 2019

## CHAPTER 157

### HOUSE BILL NO. 1454

(Representatives Pyle, Dockter, M. Ruby, Schreiber-Beck)  
(Senators Schaible, Sorvaag)

AN ACT to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to bids for school district contracts.

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

**SECTION 1. AMENDMENT.** Section 15.1-09-34 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-09-34. Contracts by school boards - Bids - Penalty.**

1. Except as provided in this section, the board of a school district may not enter a contract involving the expenditure of an aggregate amount greater than ~~twenty-five~~ fifty thousand dollars unless the school board has given ten days' notice by publication in the official newspaper of the district, received sealed bids, and accepted the bid of the lowest responsible bidder. This section does not apply to contracts for:
  - a. The personal services of district employees.
  - b. Textbooks and reference books.
  - c. Articles not sold on the open market.
  - d. Patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
  - e. Patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
  - f. Building construction projects under chapter 48-01.2.
  - g. School transportation services purchased under section 15.1-30-11.
  - h. Vehicle fuel purchased under section 15.1-09-34.1.
  - i. Heating fuel purchased under section 15.1-09-34.1.
  - j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
  - k. Cooperative purchases with the office of management and budget under chapter 54-44.4.
  - l. The purchase of products from prison industries under chapter 12-48.

- m. The purchase of products from work activity centers under chapter 25-16.2.
  - n. Cooperative purchases made pursuant to a joint-powers agreement under chapter 54-40.3.
2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].
  3. A board member who participates in a violation of this section is guilty of a class B misdemeanor.

Approved April 23, 2019

Filed April 24, 2019

## CHAPTER 158

### SENATE BILL NO. 2150

(Senators Davison, Schaible, Vedaa)  
(Representative Monson)

AN ACT to amend and reenact section 15.1-09.1-12 of the North Dakota Century Code, relating to audits of regional education associations by the state auditor.

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

**SECTION 1. AMENDMENT.** Section 15.1-09.1-12 of the North Dakota Century Code is amended and reenacted as follows:

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

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

Approved April 10, 2019

Filed April 11, 2019

## CHAPTER 159

### HOUSE BILL NO. 1434

(Representatives Richter, Hatlestad, Magrum, Zubke)  
(Senators Bekkedahl, Rust)

AN ACT to amend and reenact sections 15.1-12-26 and 15.1-12-27 of the North Dakota Century Code, relating to dissolution of school districts.

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

**SECTION 1. AMENDMENT.** Section 15.1-12-26 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-12-26. Dissolution of school district - Grounds.**

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating high school districts in the same county, or to a non-high school district in the same county if there are no high school districts in the same county adjacent to the district being dissolved. when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
  - a. The district is financially unable to effectively and efficiently educate its students;
  - b. The district has not operated a school as required by section 15.1-12-24; or
  - c. A school board has determined that dissolution is in the best interest of its students.
2. Except as provided in subsection 3, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating high school district in the same county, or to a non-high school district in the same county if there is no high school district in the same county adjacent to the district being dissolved. when it is notified in writing by the county superintendent that:
  - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
  - b. There exists real property that does not belong to a school district.
3. If a school district reorganization plan which does not include all real property in a district is approved by the electors, the county committee shall, within forty-five days after the election, hold a hearing under section 15.1-12-27 to attach the remaining property to one or more operating high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.

4. Receipt of notice by a county committee under this section:
  - a. Renders an annexation petition involving any real property in the district void, unless the annexation has already been approved by the state board; and
  - b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.
5. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

**SECTION 2. AMENDMENT.** Section 15.1-12-27 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

1. The county superintendent shall schedule and give notice of a public hearing regarding the dissolution of the district and the subsequent attachment of the property to other high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved. The county superintendent shall publish the notice in the official newspaper of each county that encompasses property in the dissolving district and in the official newspaper of each county that encompasses property in a high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution.
3. The county committee shall consider testimony and documentary evidence regarding:
  - a. The value and amount of property held by the dissolving school district;
  - b. The amount of all outstanding bonded and other indebtedness;
  - c. The distribution of property and assets among the high school districts to which the dissolved district is attached;
  - d. The taxable valuation of the dissolving district and adjacent high school districts and the taxable valuation of adjacent high school districts under the proposed manner of dissolution;
  - e. The size, geographical features, and boundaries of the dissolving district and of adjacent high school districts;

- f. The number of students enrolled in the dissolving district and in adjacent high school districts;
  - g. Each school in the dissolving district and in adjacent high school districts, including its name, location, condition, accessibility, and the grade levels it offers;
  - h. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent high school districts;
  - i. Conditions affecting the welfare of students in the dissolving district and in adjacent high school districts;
  - j. The boundaries of other governmental entities;
  - k. The educational needs of communities in the dissolving district and in adjacent high school districts;
  - l. Potential savings in school district transportation and administrative services;
  - m. The anticipated future use of the dissolving districts' buildings, sites, and playfields;
  - n. The potential for a reduction in per student valuation disparities between the high school districts to which the dissolved district is attached;
  - o. The potential to equalize or increase the educational opportunities for students from the dissolving district and for students in adjacent high school districts; and
  - p. All other relevant factors.
4. After the hearing, the county committee shall make findings of fact. Subject to final approval by the state board, the county committee may order the district dissolved and its real property attached to one or more contiguous, operating high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
  5. Any property ordered attached under this section must have at least one minor residing within its boundaries.
  6. The county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the dissolution proceeding together with a copy of the county committee's order to the state board for final approval of the dissolution. The state board shall publish notice of its meeting at which it will consider the dissolution, in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the meeting.
  7. The order of dissolution becomes effective July first following approval by the state board, unless the county committee provides for a different effective date.

8. If the boundaries of the dissolving school district cross county lines, the proceeding to dissolve the district must be conducted jointly by the county committees representing counties containing twenty-five percent or more of the dissolving district's taxable valuation. If, after the hearing, a majority of the county committees are unable to agree upon an order of dissolution and attachment, the county superintendent of the county in which the administrative headquarters of the dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent high school districts in the manner it deems appropriate. The state board shall publish notice of the public hearing in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the date of the hearing.
9. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.
10. The state board shall provide a copy of its final findings of fact, conclusions of law, and order regarding the dissolution to job service North Dakota. If not otherwise included in the findings of fact, the state board shall also provide job service North Dakota with information on the distribution and valuation of property from the dissolving district to the receiving districts.

Approved April 10, 2019

Filed April 11, 2019

## CHAPTER 160

### HOUSE BILL NO. 1287

(Representatives Satrom, Becker, Jones, Paulson, Paur, Schauer)

AN ACT to amend and reenact section 15.1-13-10 of the North Dakota Century Code, relating to initial teaching licenses for individuals completing alternative teacher certification program; to provide for a legislative management report; and to provide an expiration date.

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

**SECTION 1. AMENDMENT.** Section 15.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-13-10. Criteria for teacher licensure.**

1. The board shall establish by rule the criteria for teacher licensure and the process for issuing teaching licenses. The criteria must include considerations of character, adequate educational preparation, and general fitness to teach.
2. The board may not require a teacher who graduated from an accredited teacher education program on or before September 1, 1980, to earn any college credits in native American or other multicultural courses as a condition of licensure or license renewal.
3. This section does not affect the validity of teaching certificates in effect on July 31, 2001.
4. This section does not affect the qualifications for career and technical education certificates, as otherwise established by law.
5. The board shall grant an initial license to an individual who:
  - a. Possesses a bachelor's degree from an accredited institution;
  - b. Passes a criminal history record check required by section 15.1-13-14; and
  - c. Successfully completes an alternative teacher certification program.
6. An in-state alternative teacher certification program must operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators.
7. An out-of-state alternative teacher certification program must:
  - a. Operate in at least five states;
  - b. Have operated an alternative teacher certification program for at least ten years;

- c. Require applicants to pass a subject area and pedagogy examination, known as the professional teaching knowledge examination, to receive certification; and
- d. Allow an individual who obtains an initial or renewal license to teach in the subject areas of:
  - (1) Elementary education;
  - (2) Elementary education with a reading endorsement;
  - (3) English language arts;
  - (4) United States and world history;
  - (5) Mathematics;
  - (6) General science;
  - (7) Biology;
  - (8) Chemistry; and
  - (9) Physics.
- 8. An individual who obtains an initial license under subsection 5 is authorized to teach the subject and educational levels for which the individual has successfully completed the program described under subsection 5.
- 9. Upon completing two years of teaching under an initial license issued under subsection 5, the licensee is eligible to apply for a five-year renewal license if the individual:
  - a. Completes the program's clinical experience program and the North Dakota teacher support system approved mentor program;
  - b. Meets the requirements of section 15.1-13-35 within two years of initial licensure; and
  - c. Meets the requirements of human resources and cultural directives required coursework within two years of initial licensure which includes Native American studies, cultural diversity, strategies for creating learning environments that contribute to positive human relationships, and strategies for teaching and assessing diverse learners.

**SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective.

Approved April 24, 2019

Filed April 24, 2019

## CHAPTER 161

### HOUSE BILL NO. 1347

(Representatives Zubke, Mitskog, Owens, Schreiber-Beck)  
(Senators Luick, Schaible)

AN ACT to amend and reenact section 15.1-15-02 of the North Dakota Century Code, relating to probationary teacher contracts.

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

**SECTION 1. AMENDMENT.** Section 15.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

#### **15.1-15-02. First-year Probationary teachers - Review of evaluations - Renewal and nonrenewal of contracts.**

1. If the board of a school district contemplates not renewing the contract of an individual employed as a first-year probationary teacher, the board shall review the individual's evaluations required by section 15.1-15-01 and meet with the individual in an executive session to discuss the reasons for the contemplated nonrenewal.
2. The individual employed as a first-year probationary teacher may be accompanied by two representatives selected by the individual for the purpose of speaking on behalf of the individual and by the individual's spouse or one other family member.
3. No claim for relief for libel or slander may be brought regarding any communication made at an executive session of a school board held pursuant to this section.
4. If the board of a school district elects not to renew the contract of an individual employed as a first-year probationary teacher, the board shall provide written notification of the decision, together with a detailed description of the board's reasons, to the individual no earlier than April fifteenth nor later than May first.
5. Failure by the board of a school district to provide the notification required by subsection 4 constitutes an offer to renew the individual's contract on the same terms and conditions as the individual's contract for the current year.
6. The board of a school district may waive probationary status for a teacher with at least two years of teaching experience in the state.
7. The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers.
8. For purposes of this section, a "first-year probationary teacher" means an individual teaching for ~~the first school year since obtaining a license to teach~~ less than two years.

Approved April 10, 2019

Filed April 11, 2019

## CHAPTER 162

### HOUSE BILL NO. 1089

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to amend and reenact subsection 3 of section 15.1-16-20 of the North Dakota Century Code, relating to personnel policies.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-16-20 of the North Dakota Century Code is amended and reenacted as follows:

3. The personnel policies required by this section must include job descriptions and nonrenewal, discipline, and dismissal procedures. The policies must seek to harmonize the rights of teachers with laws applicable to other state employees. The superintendent of public instruction and the ~~director of the division of juvenile services, with the approval of the~~ director of the department of corrections and rehabilitation, shall work together in the development of the personnel policies.

Approved March 12, 2019

Filed March 13, 2019

## CHAPTER 163

### HOUSE BILL NO. 1531

(Representatives D. Johnson, Longmuir, Pyle, Schreiber-Beck, Zubke)  
(Senators Rust, Schaible)

AN ACT to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria; to provide for a legislative management report; and to provide an expiration date.

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

<sup>62</sup> **SECTION 1. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-18-10. Specialty areas - Teacher qualification.**

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
  - a. Is licensed to teach by the education standards and practices board;
  - b. Is approved to teach in that area by the education standards and practices board; and
  - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
  - a. Has a permit issued by the board;
  - b. Has a high school diploma;

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<sup>62</sup> Section 15.1-18-10 was also amended by section 18 of Senate Bill No. 2013, chapter 38, section 18 of Senate Bill No. 2015, chapter 40, and section 5 of Senate Bill No. 2265, chapter 149.

- c. Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught; and
  - (1) Possesses a certificate, license, or degree in the subject area to be taught; or
  - (2) Achieves a passing score on the Praxis content test.
- 5. The board of a school district may authorize an individual to teach under subsection 4 for one year, up to a maximum of three years, if:
  - a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
  - b. The individual successfully completes a background check conducted by the education standards and practices board; and
  - c. The education standards and practices board issues a permit to the individual.
- 6. The board may adopt rules to administer teaching permits under this section.
- 7. The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

**SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective.

Approved April 25, 2019

Filed April 26, 2019

## CHAPTER 164

### SENATE BILL NO. 2181

(Senators Poolman, Davison)  
(Representatives Dockter, Heinert, Schreiber-Beck)

AN ACT to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code, relating to cyberbullying of students.

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

**SECTION 1. AMENDMENT.** Section 15.1-19-17 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-19-17. Bullying - Definition.**

As used in sections 15.1-19-17 through 15.1-19-22:

1. "Bullying" means:

- a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - (2) Places the student in actual and reasonable fear of harm;
  - (3) Places the student in actual and reasonable fear of damage to property of the student; or
  - (4) Substantially disrupts the orderly operation of the public school; or
- b. Conduct ~~that is~~ received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - (2) Places the student in actual and reasonable fear of harm;
  - (3) Places the student in actual and reasonable fear of damage to property of the student; or
  - (4) Substantially disrupts the orderly operation of the public school; or

- c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
- (1) Places the student in actual and reasonable fear of:
    - (a) Harm; or
    - (b) Damage to property of the student; and
  - (2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

2. "Conduct" includes the use of technology or other electronic media.

**SECTION 2. AMENDMENT.** Section 15.1-19-18 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-19-18. Bullying - Prohibition by policy.**

1. ~~Before July 1, 2012, each~~Each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:
  - a. Engage in bullying; or
  - b. Engage in reprisal or retaliation against:
    - (1) A victim of bullying;
    - (2) An individual who witnesses an alleged act of bullying;
    - (3) An individual who reports an alleged act of bullying; or
    - (4) An individual who provides information about an alleged act of bullying.
2. The policy required by this section must:
  - a. Include a definition of bullying that at least encompasses the conduct described in section 15.1-19-17;
  - b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;
  - c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;
  - d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;
  - e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;

- f. Require the notification of law enforcement personnel if ~~an investigation by school district personnel results in~~ have a reasonable suspicion that a crime might have occurred ~~on or off school district property~~;
  - g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
  - h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.
  4. Upon completion of the policy required by this section, a school district shall:
    - a. Ensure that the policy is explained to and discussed with its students;
    - b. File a copy of the policy with the superintendent of public instruction; and
    - c. Make the policy available in student and personnel handbooks.
  5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.

Approved April 11, 2019

Filed April 12, 2019

## CHAPTER 165

### HOUSE BILL NO. 1082

(Judiciary Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to the prohibition on aiding and abetting sexual abuse; and to provide for a penalty.

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

**SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

##### **Prohibition on aiding and abetting sexual abuse.**

1. The state educational agency, or local educational agency that receives federal funds under section 8546 of the Elementary and Secondary Education Act [20 U.S.C. 7926] shall prohibit any individual who is a school employee, contractor, or agent, or any state educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, there is confirmation, or there is an investigation underway based on a claim the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.
2. Subsection 1 does not apply if:
  - a. The information has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities as required by federal, state, or local law; and
  - b. (1) The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
    - (2) The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
    - (3) The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within one year of the date on which the information was reported to a law enforcement agency.

**SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

**Conviction of aiding and abetting sexual abuse - Penalty.**

Any individual who is a school district employee, contractor, or agent convicted of aiding and abetting sexual abuse as described in section 1 of this Act is guilty of a class B misdemeanor.

Approved April 11, 2019

Filed April 12, 2019

## CHAPTER 166

### HOUSE BILL NO. 1335

(Representatives Buffalo, Blum, Hager, O'Brien, Schneider, Vetter)  
(Senators Dwyer, Heckaman, Kannianen, Marcellais, Mathern, Oehlke)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to student dress code policies; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

**Dress code - Inclusion of traditional tribal regalia and objects of cultural significance.**

The board of a school district or a school may not establish a dress code policy that includes prohibiting a student from wearing traditional tribal regalia or objects of cultural significance at a graduation ceremony. For purposes of this section "tribal regalia" or "object of cultural significance" means an eagle feather or eagle plume.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 19, 2019

Filed March 20, 2019

## CHAPTER 167

### SENATE BILL NO. 2182

(Senators Poolman, Davison, Wardner)  
(Representatives Howe, Nathe, Schatz)

AN ACT to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to scholarship eligibility requirements for students on an education career pathway; to provide an effective date; and to provide an expiration date.

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

**SECTION 1. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-21-02.4. North Dakota career and technical education scholarship.**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
  - a. One unit of algebra II, as defined by the superintendent of public instruction; and
  - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
  - a. (1) One unit of biology;  
(2) One unit of chemistry; and  
(3) One unit of physics; or
  - b. (1) One unit of biology;  
(2) One unit of physical science; and  
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
  - a. One unit of United States history;

- 
- b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or  
b. One-half unit of physical education and one-half unit of health;
6. Completed:
    - a. One unit selected from:
      - (1) Foreign languages;
      - (2) Native American languages;
      - (3) American sign language;
      - (4) Fine arts; or
      - (5) Career and technical education courses; and
    - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
7. Completed any five additional units, two of which must be in the area of career and technical education;
  8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and  
(2) Obtained a grade of at least "C" in each unit or one-half unit; or  
b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and  
(2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
    - a. A composite score of at least twenty-four on an ACT; or

- b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

**SECTION 2. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-02.4. North Dakota career and technical education scholarship.**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
  - a. One unit of algebra II, as defined by the superintendent of public instruction; and
  - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
  - a. (1) One unit of biology;  
(2) One unit of chemistry; and  
(3) One unit of physics; or
  - b. (1) One unit of biology;  
(2) One unit of physical science; and  
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
  - a. One unit of United States history;
  - b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or  
b. One-half unit of physical education and one-half unit of health;

6. Completed:
  - a. One unit selected from:
    - (1) Foreign languages;
    - (2) Native American languages;
    - (3) American sign language;
    - (4) Fine arts; or
    - (5) Career and technical education courses; and
  - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction which may be governed by rules adopted by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
  - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
  - (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
  - a. A composite score of at least twenty-four on an ACT; or
  - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

**SECTION 3. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-02.5. North Dakota academic scholarship.**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
  - a. One unit of algebra II, as defined by the superintendent of public instruction;
  - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and
  - c. One unit of any other mathematics, which may include computer science;
3. Completed three units of science, consisting of:
  - a. (1) One unit of biology;  
(2) One unit of chemistry; and  
(3) One unit of physics; or
  - b. (1) One unit of biology;  
(2) One unit of physical science; and  
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
  - a. One unit of United States history;
  - b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
  - a. Completed one unit of physical education; or
  - b. One-half unit of physical education and one-half unit of health;
6.
  - a. Completed two units of:
    - (1) The same foreign language;
    - (2) The same native American language;
    - (3) American sign language; or
    - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public

instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and

- b. One unit selected from:
  - (1) Foreign languages;
  - (2) Native American languages;
  - (3) American sign language;
  - (4) Fine arts; or
  - (5) Career and technical education;
7. Completed any five additional units;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
  - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
  - (2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT; and
10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
- b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or
- c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

**SECTION 4. EFFECTIVE DATE.** Section 2 of this Act becomes effective on August 1, 2021.

**SECTION 5. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2021, and after that date is ineffective.

Approved March 28, 2019

Filed March 29, 2019

## CHAPTER 168

### HOUSE BILL NO. 1052

(Representatives Johnston, M. Ruby, Toman, B. Koppelman, Hoverson, Simons,  
Kasper, Strinden)  
(Senators Kannianen, G. Lee, Hogue, Sorvaag)

AN ACT to amend and reenact section 15.1-23-01 of the North Dakota Century Code, relating to the definition of parent and supervise in home education.

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

**SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-01. ~~Home education -- Definition~~Definitions.**

~~For purposes of~~In this chapter, "home:

1. "Home education" means a program of education supervised by a child's parent in accordance with the requirements of this chapter.
2. "Parent" includes a child's legal guardian.
3. "Supervise" means the selection of materials, determination of an educational philosophy, and oversight of the method, manner, and delivery of instruction.

Approved March 19, 2019

Filed March 20, 2019

## CHAPTER 169

### HOUSE BILL NO. 1125

(Representatives Richter, Fisher, Jones, Lefor)  
(Senators Bekkedahl, Clemens, Davison)

AN ACT to amend and reenact section 15.1-27-16 of the North Dakota Century Code, relating to plans for cooperating school districts; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-27-16. Per student payments - Cooperating districts.**

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
  - a. Provide unduplicated grade level services; or
  - b. Share administrative personnel.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 10, 2019

Filed April 11, 2019

## CHAPTER 170

### HOUSE BILL NO. 1461

(Representatives Strinden, P. Anderson, Mock, Schatz)  
(Senators Davison, Kreun, Myrdal)

AN ACT to create and enact two new sections to chapter 15.1-32 of the North Dakota Century Code, relating to reading screenings and a dyslexia screening pilot program; to provide for a report to the legislative management; and to provide for an exemption.

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

**SECTION 1.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

##### **Reading screening.**

Each public elementary school shall include in the developing and processing of assessments and screening of reading, the core components of phonetic awareness, decoding, and spelling. The screening also must be offered if requested by a parent, legal guardian, or teacher.

**SECTION 2.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

##### **Dyslexia screening - Pilot program - Report to legislative management - Professional development.**

1. For purposes of this section:

a. "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent recognition of words and poor spelling and decoding abilities, independent of the individual's general intelligence level.

b. "Specialist trained in dyslexia" means an individual who:

(1) Has expertise providing training in phonological and phonemic awareness, sound and symbol relationships, alphabet knowledge, rapid naming skills, and encoding and decoding skills;

(2) Is fluent in the dyslexia intervention process; and

(3) Has training in identifying dyslexia.

2. Beginning with the 2019-20 school year and continuing through the 2022-23 school year, the superintendent of public instruction shall establish and operate a pilot program to provide early screening and intervention services for children with risk factors for dyslexia, including low phonemic awareness.

3. To be eligible to participate in the program, a school district, regional education association, or special education unit must submit an application to the superintendent which:
  - a. Identifies a method of screening children for low phonemic awareness and other risk factors for dyslexia;
  - b. Provides for the enrollment of children identified as having risk factors for dyslexia in a reading program staffed by specialists trained in dyslexia and multisensory structured language programs; and
  - c. Includes a methodology for evaluating the effects of the reading program on the identified risk factors of the child.
4. Each grantee selected to participate in the program shall:
  - a. Provide low phonemic awareness and other dyslexia risk factor screenings for children under seven years of age through a reading program established under subsection 3;
  - b. Provide reading intervention services to students identified as having dyslexia;
  - c. Administer assessments, approved by the superintendent of public instruction, to determine the effectiveness of the program in improving the reading and learning skills of children enrolled in the program; and
  - d. Provide professional development on dyslexia identification and interventions to grant participants.
5. The board of each participating grantee shall report annually to the superintendent of public instruction regarding the operation, results, and effectiveness of the pilot program in a manner prescribed by the superintendent. Before July 1, 2021, the superintendent of public instruction shall compile the information and report to the legislative management with a recommendation whether to continue the pilot program beyond the 2022-23 school year.

**SECTION 3. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.** Up to \$250,000 of the unexpended amount remaining from the appropriation for integrated formula payments, as authorized in subdivision 1 of section 1 of chapter 12 of the 2017 Session Laws, is not subject to the provisions of section 54-44.1-11 at the end of the 2017-19 biennium, and may be continued into the 2019-21 biennium for the purpose of providing a dyslexia screening pilot program.

Approved May 1, 2019

Filed May 2, 2019