

**HOUSE BILL NO. 1019**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 career and technical education; to amend and reenact sections 15-19-00.1, 15-19-01, 15-19-02,  
3 15-19-06, 15-19-08, 15-20.1-03, and 15.1-02-04 of the North Dakota Century Code, relating to  
4 the administration of the center for distance education; and to provide an exemption.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
9 other income, to the department of career and technical education for the purpose of defraying  
10 the expenses of the department of career and technical education, for the biennium beginning  
11 July 1, 2023, and ending June 30, 2025, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12			
13			
14	<del>Salaries and wages</del>	<del>\$4,643,906</del>	<del>\$5,527,937</del>
15	<del>Operating expenses</del>	<del>2,198,453</del>	<del>2,878,350</del>
16	<del>Grants</del>	<del>9,507,349</del>	<del>11,507,349</del>
17	<del>Grants -- secondary</del>	<del>26,837,780</del>	<del>46,837,780</del>
18	<del>Marketplace for kids</del>	<del>300,000</del>	<del>300,000</del>
19	<del>Science, technology, engineering, and</del>	<del>100,000</del>	<del>100,000</del>
20	<del>—mathematics initiative</del>		
21	<del>Adult farm management</del>	<del>1,706,138</del>	<del>1,706,138</del>
22	<del>Workforce training</del>	<del>2,000,000</del>	<del>2,000,000</del>
23	<del>Center for distance education</del>	<del>9,461,254</del>	<del>11,700,231</del>
24	<del>Total all funds</del>	<del>\$56,754,880</del>	<del>\$82,557,785</del>

Sixty-eighth  
Legislative Assembly

1	<del>Less estimated income</del>	<del>15,019,817</del>	<del>19,050,014</del>	<del>15,019,817</del>
2	<del>Total general fund</del>	<del>\$41,735,063</del>	<del>\$63,507,771</del>	<del>\$41,735,063</del>
3	<del>Full-time equivalent positions</del>	<del>50.30</del>	<del>53.30</del>	<del>50.30</del>
4		<u>Adjustments or</u>		
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	Salaries and wages	\$4,643,906	\$798,036	\$5,441,942
7	Operating expenses	2,198,453	679,897	2,878,350
8	Grants	9,507,349	2,000,000	11,507,349
9	Grants - secondary	26,837,780	14,200,000	41,037,780
10	Marketplace for kids	300,000	0	300,000
11	Science, technology, engineering, and	100,000	0	100,000
12	<u>mathematics initiative</u>			
13	Adult farm management	1,706,138	0	1,706,138
14	Workforce training	2,000,000	0	2,000,000
15	Center for distance education	9,461,254	(9,461,254)	0
16	Total all funds	\$56,754,880	\$8,216,679	\$64,971,559
17	Less estimated income	15,019,817	(530,418)	14,489,399
18	Total general fund	\$41,735,063	\$8,747,097	\$50,482,160
19	Full-time equivalent positions	50.30	(26.80)	23.50

20       **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding  
21 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium:

22	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
23	Statewide area career center initiative grant program	\$88,276,228	\$0
24	Total all funds	\$88,276,228	\$0
25	Less estimated income	88,276,228	0
26	Total general fund	\$0	\$0

27       **SECTION 3. AMENDMENT.** Section 15-19-00.1 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29       **15-19-00.1. Definitions.**

30       In this chapter, unless the context otherwise requires:

- 31       1. "Administration" includes the leadership of the center for distance education.

1       2.   ~~"Board" means the state board for career and technical education.~~

2   ~~3.~~ "Center" means the North Dakota center for distance education.

3   4.3.  ~~"Director~~Superintendent" means the ~~director and executive officer of the department of~~  
4       ~~career and technical education~~superintendent of public instruction.

5       **SECTION 4. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **15-19-01. North Dakota center for distance education courses - Establishment -**  
8 **Enrollment of students - Courses of instruction.**

9       The state shall provide kindergarten through grade twelve courses, comprehensive  
10 educational support, and high school diplomas through the center for distance education under  
11 the following provisions:

- 12       1.   A complete curriculum prescribed by state-mandated education accreditation entities  
13       which meets the requirements for digital education the superintendent of public  
14       instruction has determined to be appropriate.
- 15       2.   A superintendent or an administrator of a school may deny the enrollment of a student  
16       in that district at the center for distance education except as provided in subsection 5.
- 17       3.   The center for distance education may provide services to persons who are not North  
18       Dakota residents.
- 19       4.   Center for distance education students shall pay fees as may be prescribed by the  
20       ~~state board for career and technical education~~superintendent.
- 21       5.   Students exempt from the compulsory school attendance laws pursuant to  
22       subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education  
23       courses offered through the center for distance education. These students may study  
24       their center for distance education lessons in their learning environment under the  
25       supervision of a parent.

26       **SECTION 5. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **15-19-02. Administration Center for distance education - Appointment and duties.**

29       The program of and all activities related to the center for distance education are the  
30 responsibility of the center for distance education and under the authority of the ~~state board for~~  
31 ~~career and technical education~~superintendent. The ~~director of the department of career and~~

1 ~~technical education~~superintendent shall hire administration and staff for the center for distance  
2 education who must be classified under the state personnel merit system. The administration of  
3 the center shall carry out the responsibilities in operating the center for distance education in  
4 the manner approved by the ~~state board for career and technical education~~superintendent,  
5 under the supervision of the director of the department of career and technical education, and  
6 compliant with requirements established by the superintendent ~~of public instruction~~ and the  
7 education standards and practices board for public school administrators and teachers. The  
8 ~~state board for career and technical education~~superintendent shall administer the  
9 responsibilities of the board of a school district relating to the center for distance education.

10 **SECTION 6. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**  
13 **appropriations.**

- 14 1. A special operating fund for the center for distance education must be maintained  
15 within the state treasury and all income and fees collected by the center for distance  
16 education from any source must be remitted monthly by the ~~director~~superintendent to  
17 the state treasurer and credited to the special operating fund. All expenditures from the  
18 fund must be within the limits of legislative appropriations and must be made upon  
19 vouchers, signed and approved by the director. Upon approval of the vouchers by the  
20 office of the budget, warrant-checks must be prepared by the office of management  
21 and budget.
- 22 2. The ~~state board for career and technical education~~superintendent may establish an  
23 endowment and scholarship fund to provide financial grants to students enrolled in  
24 courses offered through the center for distance education. The endowment and  
25 scholarship fund may consist only of those funds specifically appropriated by the  
26 legislative assembly and property received by the center for distance education as a  
27 gift, devise, or bequest. Any gift, devise, or bequest of property received by the center  
28 for distance education which is designated by the ~~state board for career and technical~~  
29 ~~education~~superintendent and donor for the endowment and scholarship fund must be  
30 deposited in the scholarship fund at the Bank of North Dakota. The center for distance  
31 education may draw on the endowment and scholarship fund for the award of

1           endowments and scholarships within the limits and rules adopted by the ~~state board~~  
2           ~~for career and technical education~~ superintendent.

3           **SECTION 7. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **15-19-08. Distance education support and services.**

6           The amount of money appropriated by the legislative assembly for distance education  
7 support and services for a biennium, or so much thereof as may be necessary, must be  
8 expended first for work provided by distance education as determined by the center for distance  
9 education and approved by the ~~state board for career and technical education~~ superintendent.

10          **SECTION 8. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12          **15-20.1-03. Powers and duties of state board relating to career and technical**  
13 **education.**

14          The state board shall have all authority necessary to cooperate with the United States  
15 department of education or other department or agency of the United States of America in the  
16 administration of acts of Congress relating to career and technical education, including the  
17 following powers and duties:

- 18           1. To administer any legislation enacted by the legislative assembly of this state pursuant  
19           to or in conformity with acts of Congress relating to career and technical education.
- 20           2. To administer the funds provided by the federal government and by this state for the  
21           promotion of career and technical education and to contract with:
  - 22               a. Any public or private institution or agency, board of trustees of any agricultural  
23               and training school, or school district of this state; or
  - 24               b. Any public or private institution or agency, or political subdivision, of another  
25               state.
- 26           3. To formulate plans for the promotion of career and technical education in such  
27           subjects as are an essential and integral part of the public school system of education  
28           in this state.
- 29           4. To provide for the preparation of teachers.
- 30           5. To fix the compensation of such officers and assistants as may be necessary to  
31           administer the federal acts and the provisions of this chapter relating to career and

- 1 technical education and to pay the same and other necessary expenses of  
2 administration from any funds appropriated for such purpose.
- 3 6. To make studies and investigations relating to career and technical education.  
4 7. To promote and aid in the establishment of schools, departments, or classes, and to  
5 cooperate with local communities in the maintenance of career and technical  
6 education schools, departments, or classes.  
7 8. To prescribe the qualifications and provide for the certification of teachers, directors,  
8 and supervisors.  
9 9. To cooperate with governing bodies of school districts and with organizations and  
10 communities in the maintenance of classes for the preparation of teachers, directors,  
11 and supervisors of career and technical education, to maintain classes for such  
12 purposes under its own direction and control, and to establish and control, by general  
13 regulations, the qualifications to be possessed by persons engaged in the training of  
14 career and technical education teachers.  
15 10. To coordinate new and existing farm management programs offered by any state  
16 agency or entity.  
17 11. To create and expand marketing clubs as adjuncts to new and existing farm  
18 management programs.

19 ~~12. To administer and supervise the program and all activities of the center for distance~~  
20 ~~education.~~

21 **SECTION 9. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **15.1-02-04. Superintendent of public instruction - Duties. (Effective through June 30,**  
24 **2023)**

25 The superintendent of public instruction:

- 26 1. Shall supervise the provision of elementary and secondary education to the students  
27 of this state.  
28 2. Shall supervise the establishment and maintenance of schools and provide advice and  
29 counsel regarding the welfare of the schools.  
30 3. Shall supervise the development of course content standards.  
31 4. Shall supervise the assessment of students.

- 1        5.    Shall serve as an ex officio member of the board of university and school lands.
- 2        6.    Shall keep a complete record of all official acts and appeals.
- 3        7.    As appropriate, shall determine the outcome of appeals regarding education matters.
- 4        8.    Shall direct school district annexation, reorganization, and dissolution and employ and  
5        compensate personnel necessary to enable the state board of public school education  
6        to carry out its powers and duties regarding school district annexation, reorganization,  
7        and dissolution.
- 8        9.    Shall facilitate a process to review and update annually the statewide prekindergarten  
9        through grade twelve education strategic vision. The process must include input and  
10       participation from a steering committee that includes representatives of all state-level  
11       entities receiving state education funding and education stakeholder groups. Each  
12       steering committee member entity receiving state education funds shall provide  
13       components of the entity's strategic plan which are aligned to the statewide strategic  
14       vision. The steering committee shall prepare a collaborative report of the strategic  
15       plans of each committee member entity receiving state education funds. The  
16       superintendent shall provide the collaborative report and any updates to the strategic  
17       vision to the legislative management during each interim and to a joint meeting of the  
18       education standing committees during each regular legislative session.
- 19      10.   Shall administer a student loan forgiveness program for individuals teaching at grade  
20      levels, in content areas, and in geographical locations identified as having a teacher  
21      shortage or critical need.
- 22      11.   Shall facilitate the development and implementation of a North Dakota learning  
23      continuum in collaboration with the department of career and technical education,  
24      upon the recommendation of the kindergarten through grade twelve education  
25      coordination council.
- 26      12.   Shall collaborate with workforce development stakeholders and the kindergarten  
27      through grade twelve education coordination council to determine how best to  
28      integrate computer science and cybersecurity into elementary, middle, and high school  
29      curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the  
30      superintendent shall provide a report to the legislative management regarding the  
31      outcome of this collaboration.

1 13. Shall administer and supervise the program and activities of the center for distance  
2 education.

3 **Superintendent of public instruction - Duties. (Effective after June 30, 2023)**

4 The superintendent of public instruction:

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

1           upon the recommendation of the kindergarten through grade twelve education  
2           coordination council.

3           11. Shall administer and supervise the program and activities of the center for distance  
4           education.

5           **SECTION 10. EXEMPTION - STATEWIDE AREA CAREER CENTER INITIATIVE GRANT**  
6           **PROGRAM.** The amount of \$20,000,000 appropriated from federal funds derived from the state  
7           fiscal recovery fund for the statewide area career center initiative grant program in section 1 of  
8           chapter 548 of the 2021 Session Laws is not subject to section 54-44.1-11 and is available for  
9           the program during the biennium beginning July 1, 2023, and ending June 30, 2025.