

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2104

Introduced by

Senator Beard

Representative Tveit

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota
2 Century Code, relating to review by the superintendent of public instruction of school district
3 compliance with education-related state law and rule; and to amend and reenact sections
4 15.1-02-04 and 15.1-14-01 of the North Dakota Century Code, relating to school district
5 compliance with education-related law and rule.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 ~~15.1-02-04. Superintendent of public instruction -- Duties -- Report. (Effective through~~
10 ~~December 31, 2024)~~

11 The superintendent of public instruction:

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

- 1 9. ~~Shall facilitate a process to review and update annually the statewide prekindergarten-~~
2 ~~through grade twelve education strategic vision. The process must include input and~~
3 ~~participation from a steering committee that includes representatives of all state-level~~
4 ~~entities receiving state education funding and education stakeholder groups. Each~~
5 ~~steering committee member entity receiving state education funds shall provide~~
6 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
7 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
8 ~~plans of each committee member entity receiving state education funds. The~~
9 ~~superintendent shall provide the collaborative report and any updates to the strategic~~
10 ~~vision to the legislative management during each interim and to a joint meeting of the~~
11 ~~education standing committees during each regular legislative session.~~
- 12 10. ~~Shall facilitate the development and implementation of a North Dakota learning-~~
13 ~~continuum in collaboration with the department of career and technical education,~~
14 ~~upon the recommendation of the kindergarten through grade twelve education-~~
15 ~~coordination council.~~
- 16 11. ~~Shall appoint a task force in collaboration with the kindergarten through grade twelve-~~
17 ~~education coordination council. The task force shall review all statutes in this code~~
18 ~~relating to literacy, dyslexia, and related teacher training and report the findings and~~
19 ~~recommendations of the task force, together with any legislation necessary to~~
20 ~~implement the recommendations, to the sixty-ninth legislative assembly.~~

21 **Superintendent of public instruction - Duties - Report. (Effective after December 31,**
22 **2024)** The superintendent of public instruction:

- 23 1. Shall supervise the provision of elementary and secondary education to the students
24 of this state.
- 25 2. Shall supervise the establishment and maintenance of schools and provide advice and
26 counsel regarding the welfare of the schools.
- 27 3. Shall supervise the development of course content standards.
- 28 4. Shall supervise the assessment of students.
- 29 5. Shall serve as an ex officio member of the board of university and school lands.
- 30 6. Shall keep a complete record of all official acts and appeals.
- 31 7. As appropriate, shall determine the outcome of appeals regarding education matters.

- 1 8. Shall direct school district annexation, reorganization, and dissolution and employ and
2 compensate personnel necessary to enable the state board of public school education
3 to carry out its powers and duties regarding school district annexation, reorganization,
4 and dissolution.
- 5 9. Shall facilitate a process to review and update annually the statewide prekindergarten
6 through grade twelve education strategic vision. The process must include input and
7 participation from a steering committee that includes representatives of all state-level
8 entities receiving state education funding and education stakeholder groups. Each
9 steering committee member entity receiving state education funds shall provide
10 components of the entity's strategic plan which are aligned to the statewide strategic
11 vision. The steering committee shall prepare a collaborative report of the strategic
12 plans of each committee member entity receiving state education funds. The
13 superintendent shall provide the collaborative report and any updates to the strategic
14 vision to the legislative management during each interim and to a joint meeting of the
15 education standing committees during each regular legislative session.
- 16 10. Shall facilitate the development and implementation of a North Dakota learning
17 continuum in collaboration with the department of career and technical education,
18 upon the recommendation of the kindergarten through grade twelve education
19 coordination council.
- 20 11. Shall provide guidance to a school district to promote compliance with education-
21 related state and federal law and the rules and regulations of any applicable state or
22 federal agency and shall publish the guidance on the department of public instruction's
23 website.
- 24 12. Shall review a school district to verify compliance with state law or rule or both and
25 issue guidance or withhold funding if a condition under subsection 1 of section 2 of this
26 Act occurs.

27 **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
28 and enacted as follows:

29 **Review for compliance - Procedure - Complaints.**

- 30 1. The superintendent of public instruction shall conduct a review of a school district to
31 verify compliance with education-related state law or rule or both upon:

- 1 a. An exercise of discretion by the superintendent of public instruction, which may
2 be prompted by a complaint submitted under subsection 5.
- 3 b. Receipt of a resolution passed by a majority of a board of school district or the
4 state board of public school education.
- 5 c. Request of a county superintendent of schools or school district superintendent.
- 6 2. If the superintendent determines a review is required under subsection 1, the
7 superintendent of public instruction shall:
 - 8 a. Notify the school district superintendent and the board of that school district of
9 the proposed review, stating the reasons for and the anticipated scope of the
10 review no later than ten days after a condition under subsection 1 occurs.
 - 11 b. Investigate as necessary to obtain facts related to the matter.
 - 12 c. No sooner than ten days after and no later than ninety days after the affected
13 party has been notified of a proposed review:
 - 14 (1) Issue guidance, including remedial steps to become compliant; or
 - 15 (2) Close the matter and notify the affected party in writing.
- 16 3. If the superintendent of public instruction issues guidance to a school district more
17 than once, the superintendent of public instruction shall deduct two percent of the total
18 state payments to which a school district is entitled for that school year from the
19 subsequent payment distribution under section 15.1-27-01 for each guidance letter
20 issued except the first guidance letter.
- 21 4. The school district may respond to the superintendent of public instruction no later
22 than ten days after receipt of the notice of proposed review.
- 23 5. The superintendent of public instruction shall provide a form that a state resident may
24 use to submit a complaint to the superintendent of public instruction regarding a
25 school district's failure to comply with education-related state law or rule.

26 **SECTION 3. AMENDMENT.** Section 15.1-14-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15.1-14-01. School district superintendent - Duties.**

29 A school district superintendent shall:

- 30 1. Supervise the general operation of the school district.
- 31 2. Supervise the provision of education to students.

- 1 3. Visit the schools of the district.
- 2 4. Supervise school personnel.
- 3 5. Prepare and deliver reports requested by the board of the district.
- 4 6. Perform any other duties requested by the board.
- 5 7. Create and enforce rules applicable to personnel to ensure the school district is in
- 6 compliance with the guidance provided by the superintendent of public instruction
- 7 under subsection 11 of section 15.1-02-04.