

Date: 03/25/2025

Testimony in Support of HB 1269

House Education Committee

Chair Beard and distinguished members of the Senate Education Committee:

For the record, my name is Dr. Alyssa Martin, and I serve as the state director of the North Dakota Center for Distance Education (NDCDE). We strongly support this legislation and consider it essential to our continued ability to grow and quickly innovate. We are grateful to the bill sponsor, Representative Schreiber-Beck, for bringing it forward.

Before outlining the provisions of this bill, it is important to clarify what it does not do. This bill does not exempt NDCDE from ensuring that the technology and digital content used within our school undergo third-party security audits. We are still required to submit all technology contracts to the North Dakota Information Technology Department (NDIT) for review before moving forward with a vendor. This bill does not exempt NDCDE from state contract rules—we remain obligated to comply with all state contracting standards, with our legal counsel reviewing each contract. Finally, it does not allow NDCDE to exceed its budget or spending authority. We must continue to operate within the appropriations we receive and the tuition revenue we are authorized to spend. Our past spending trends demonstrate our commitment to operating efficiently and responsibly.

This bill primarily does two things:

- It exempts NDCDE from meeting OMB procurement requirements for the purchase of educational content, educational technology, and related services needed to deliver instruction in our asynchronous, virtual learning environment.
- It exempts NDCDE from state form requirements.

The first exemption is necessary for two reasons: (1) to accelerate the contracting process and (2) to account for the limited pool of vendors that meet NDCDE's unique needs. With regard to item one, even when a contract falls below the competitive purchasing thresholds, the contracting process currently takes three to six months. If alternative procurement approval is required for major purchases, this timeline extends even further. Given that some of our students are only enrolled for five weeks and educational technology evolves rapidly, prolonged procurement delays risk making resources outdated before they can even be implemented. To put this into perspective, within the last year alone, we have had two major updates to our learning management system (LMS) and 140 updates to our digital curricula. Given how quickly our environment changes, if we extend the purchasing process too long, we may need to start over by the time all required approvals are obtained.

Additionally, NDCDE's content and technology needs are highly specialized, limiting vendors. Only a handful of K-12 curriculum vendors offer seamless integration into our LMS—ensuring that students can complete their coursework without logging into multiple platforms. Among those vendors, content quality varies by subject area. NDCDE's subject matter experts and curriculum technology team carefully evaluate these options to determine which vendor offers the best educational content for each course. In a similar vein, sometimes only certain technology integrates into our complex technology ecosystem. For example, we are currently working on integrating an AI tutoring solution in our LMS.

Only one product created by our LMS vendor integrates. The contracting exemption in HB 1269 will allow us to select the highest-quality educational resources more efficiently without unnecessary bureaucratic delays of trying to secure reasonable quotes from other vendors or bid competitively when no competition exists.

The second exemption—removing NDCDE from state form requirements—is critical because of how the state defines a "form." According to existing regulations, a form is: "Any document designed to record information and containing blank spaces and which may contain headings, captions, boxes, or other printed or written devices to guide the entry and interpretation of the information." NDIT has extended this definition to electronic forms, imposing specific formatting requirements. Under this definition, nearly every student assignment or assessment within our LMS could be considered a "form." However, while our LMS is fully accessible and designed for educational use, it cannot be modified to conform to state form requirements—nor should it be. Requiring SFN numbers for assignments and tests would create significant delays in updating course materials, and in many cases, our LMS cannot be adjusted to meet state form layout requirements. This exemption ensures that our educational assessments remain flexible and responsive to student learning needs without being hindered by unrelated state form regulations.

In conclusion, this bill streamlines procurement to better serve NDCDE students and ensures that state form rules do not interfere with academic coursework. These exemptions will allow NDCDE to continue providing high-quality, innovative online education to North Dakota's students while remaining accountable, transparent, and fiscally responsible.

We urge the committee's support and passage of this legislation.