

SB 2353 – SENATE EDUCATION COMMITTEE

Good afternoon, Chairman Beard and members of the Committee. My name is Matt Menge. I am an Assistant Attorney General and serve as general counsel for the North Dakota Department of Public Instruction.

I am here to provide testimony regarding SB 2353. To understand this bill, it's important to understand a bit of history related to N.D.C.C. § 15.1-09.1-02.1. During the 67th legislative assembly in 2021, HB 1388 was passed.

HB 1388 included an amendment within section 6 of that bill to remove the words "to its member districts" from subsection 2 of N.D.C.C. § 15.1-09.1-02.1.

The amendment within HB 1388 was to effectively codify current practice to permit Regional Education Associations to contract with schools outside of their respective association member districts for the provision of certain services which were not available at the local level.

Since HB 1388 was passed in 2021, there has been some question as to whether the language as codified creates an ambiguity. SB 2353 makes clear any perceived ambiguity about the authority of an REA to contract with non-member districts.

The primary objective Section 1 of SB 2353 is to clarify language contained within subsection 2 of section 15.1-09.1-02.1 and to clarify that services may be provided to local districts that are not members of the specific REA. In addition, language is added to permit REAs to contract with the Superintendent of Public Instruction to provide services outside the REAs.

Section 2 of SB 2353 amends section 54-44.4-02 to provide an exemption for these types of contracts from procurement. This language is added to section 54-44.4-02 for the sole purpose of providing a cross-reference to the contracting authority of an REA under section 15.1-09.1-02.1.

Thank you for your time and I would stand for any questions.

SECTION 4. AMENDMENT. Section 15.1-06-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.

The superintendent of each school district shall ensure that the ~~schools~~physical school plants in the district comply with all health, safety, and sanitation requirements.

SECTION 5. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

SECTION 6. AMENDMENT. Subsection 2 of section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Subsection 1 does not preclude a regional education association from offering additional services ~~to its member districts.~~

SECTION 7. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Reading instruction competency.

1. The board shall ensure a candidate for teacher licensure demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:
 - a. Phonemic awareness;
 - b. Phonics;
 - c. Fluency;
 - d. Vocabulary;
 - e. Comprehension;
 - f. How to assess student reading ability; and
 - g. How to identify and correct reading difficulties.
2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.
3. A prekindergarten through grade twelve and a secondary education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.