

ADMINISTRATIVE RULES COMMITTEE
North Dakota Department of Public Instruction
September 2, 2025
Jim Upgren, Assistant Director
Office of School Approval and Opportunity
701-328-2244

Mr. Chairman, Members of the Committee, for the record, my name is Jim Upgren, Assistant Director in the Office of School Approval and Opportunity with the North Dakota Department of Public Instruction. I appear today to provide information on proposed amendments to a couple of chapters to Title 67 of the North Dakota Administrative Code. Specifically, we are looking to amend Article 67-19, related to Accreditation: Procedures, Standards, and Criteria; and Article 67-23, related to Special Education. I will go through the proposed amendments for each of those articles.

Our first proposal is to amend Article 67-19, related to Accreditation: Procedures, Standards, and Criteria, which can be found starting on page 46 of your packet.

67-19-01-44 describes the accreditation of public schools. Before I go into the proposed rule changes themselves, I will address the difference between “school approval” and “school accreditation”. School approval is the process of a school showing that they meet the legal requirements to operate, as called for by NDCC 15.1-06-06 and 15.1-06-06.1. It is required for schools to be approved in order to operate. School accreditation is voluntary and reflects a deeper commitment to continuous improvement beyond minimum standards. It involves meeting national benchmarks, conducting self-studies, and undergoing independent external reviews. Accreditation demonstrates a school’s dedication to elevating student achievement, professional practices, and community trust. Our proposed rules implement SB 2362, which was passed by the recent legislative assembly. SB 2362 calls for NDDPI to contract with an accreditation organization to

provide an accreditation option to schools at no charge to the school district. The bill also gives schools the authority to choose a different accreditation organization from a state-approved list, in which case the school district would be responsible for the cost. The purpose of the proposed rules is to establish the procedure for nationally recognized accreditation organizations to be added to the state-approved list.

To be considered for addition to the state approved list, a school accredited organization must be nationally recognized and include standards that require measurable outcomes for student academic achievement, curriculum and instruction, educator qualifications, leadership and governance, student support services, and continued improvement. Organizations that meet these minimum requirements can then submit the approval request form and provide evidence showing that they meet these qualifications. Within 30 days, the department will review and act on the request. If the organization is approved, it will then be added to the state-approved list. The department will periodically review and evaluate the effectiveness of each organization on the state-approved list, and the superintendent would have the authority to remove any organization from the state-approved list if they are not in compliance with the determined criteria.

I'll continue by talking about the additional materials that are attached and other information about our proposal:

1. The proposed rules have been submitted, and I can provide extra copies for anyone that would like one.
2. Amendments to 67-19-01 are being made to implement changes made by SB 2362 of the 69th Legislative Assembly. Bill sponsors of SB 2362 were notified of the proposed rule changes and of the public comment hearing by email.

3. These rule changes are not required in order to align with any federal statute or regulation.
4. Official public notice of the proposed changes to the rules was placed in each official county newspaper and a public comment hearing was held regarding the proposed changes on May 22. Official notice was also placed on the state public meeting notice section on the Secretary of State website and was also submitted to Legislative Council. Official notice was also posted on the bulletin boards on all three floors of the NDDPI office. In addition, public notice was sent to educational stakeholder groups.
5. Nobody provided public comment at the May 22 hearing, and we received no public comment during the 10-day public comment period following the hearing.
6. The cost of publication for the official notice was \$2,191.67.
7. A regulatory analysis was not required, as this proposal will not have an impact on the regulated community of over \$50,000.
8. A small entity regulatory analysis and economic impact statement has been submitted. I have extra copies for anyone that would like one. None of the proposed changes to 67-19 should result in any adverse impact on small school districts or government entities. There should also be no fiscal impact to small school districts or government entities.
9. A fiscal note was prepared and has been submitted. There is not expected to be any additional costs to school districts or local governments as a result of any of the changes proposed in Article 67-19.
10. A constitutional takings assessment was not required under NDCC 28-32-09.
11. These rules are not proposed as emergency rules.

Our second proposal amends 67-23-01 regarding Special Education, and can be found starting on page 48 of your packet.

Our proposed amendments to 67-23-01 update the definition of a student or child with disabilities. This is being done to align with changes made to that same definition in NCDD 15.1-32-01 by HB 1164 of the 69th Legislative Assembly. In that bill, the phrase “hearing impairment, including deafness” was replaced with “deaf and hard of hearing”, and the phrase “emotional disturbance” was replaced with “emotional disability”. Our proposed amendments update these two phrases to align with the new NDCC from HB 1164.

These proposed rules also replace the phrase “multiple disabilities” with “noncategorical delay”. This change is being made to align with terminology that is more North Dakota specific, as used by our Office of Specially Designed Services and in our special education programs in North Dakota.

I’ll continue by talking about the additional materials that are attached and other information about our proposal:

1. The proposed rules have been submitted, and I can provide extra copies for anyone that would like one.
2. Amendments to 67-23-01 are necessary to align with changes made by HB 1164 of the 69th Legislative Assembly. Bill sponsors of HB 1164 were notified of the proposed rule changes and of the public comment hearing by email.
3. These rule changes are not required in order to align with any federal statute or regulation.

4. Official public notice of the proposed changes to the rules was placed in each official county newspaper and a public comment hearing was held regarding the proposed changes on May 22. Official notice was also placed on the state public meeting notice section on the Secretary of State website and was also submitted to Legislative Council. Official notice was also posted on the bulletin boards on all three floors of the NDDPI office. In addition, public notice was sent to educational stakeholder groups.
5. Nobody provided public comment at the May 22 hearing, and we received no public comment during the 10-day public comment period following the hearing.
6. The cost of publication for the official notice was \$2,191.67.
7. A regulatory analysis was not required, as this proposal will not have an impact on the regulated community of over \$50,000.
8. A small entity regulatory analysis and economic impact statement has been submitted. I have extra copies for anyone that would like one. None of the proposed changes to 67-23 should result in any adverse impact on small school districts or government entities. There should also be no fiscal impact to small school districts or government entities.
9. A fiscal note was prepared and has been submitted. There is not expected to be any additional costs to school districts or local governments as a result of any of the changes proposed in Article 67-23.
10. A constitutional takings assessment was not required under NDCC 28-32-09.
11. These rules are not proposed as emergency rules.

This concludes my prepared testimony on the proposed changes to 67-19, regarding Accreditation, and 67-23, regarding Special Education. Thank you for your time, and I can stand for any questions that you may have.