



# North Dakota Legislative Council

Prepared for the Education Committee  
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## OTHER DUTIES OF THE EDUCATION COMMITTEE - BACKGROUND MEMORANDUM

In addition to the study responsibilities assigned to the Education Committee for the 2025-26 interim, the committee has also been assigned to:

- Receive a report from the Superintendent of Public Instruction within 3 years of approving the first public charter school, which summarizes the strategic vision and progress of each public charter school; performance of each operating public charter school, according to the performance measures and expectations specified in the charter performance agreement; status of charter applications, including charter schools that were not approved, not renewed, and closed; oversight and services provided by the Superintendent to public charter schools; and total amount of fees collected from each public charter school, how the funds were expended to support the public charter school, and the costs incurred by the Superintendent to oversee each public charter school. (2025 Senate Bill No. 2241 § 1) (NDCC § 15.1-40-06)
- Receive an annual report from the Kindergarten Through Grade Twelve Education Coordination Council on the activities of the council. (NDCC § 15.1-01-04(9))
- Receive a report from the Superintendent on any updates to the strategic vision and the collaborative report of the strategic plans of each steering committee member entity receiving state education funds. (NDCC § 15.1-02-04)
- Receive an annual report from the Superintendent by the end of February on the financial condition of school districts. (NDCC § 15.1-02-09)
- Receive from the Superintendent the compilation of annual school district employee compensation reports. (NDCC § 15.1-02-13)
- Before the Superintendent may submit proposed changes to the state accountability plan, the superintendent must present changes to an interim committee designated by the Legislative Management. (NDCC § 15.1-02-17)
- Receive a biannual report from the Superintendent regarding the implementation of intervention measures for chronically low-performing schools. (NDCC § 15.1-02-23)
- Receive a report from the Superintendent of a request from a school or school district for a waiver of any rule governing the accreditation of schools. (NDCC § 15.1-06-08)
- Receive a report from the Superintendent regarding waiver applications under Section 15.1-06-08.1. (NDCC § 15.1-06-08.1)
- Receive an annual report from the Superintendent regarding the innovative education program, including the status of the implementation plan, a summary of any waived statutes or rules; and a review of evaluation data results. (NDCC § 15.1-06-08.2)
- Receive a report from the Superintendent in even-numbered years regarding a comparison of academic performance of students participating in virtual instruction versus those not participating in virtual instruction and the use of the statewide prekindergarten through grade 12 strategic vision framework goals. (NDCC § 15.1-07-25.4)

- Receive a biennial report from the Superintendent regarding proposals to allow students enrolled in grades 6 through 12 to earn course credit through educational opportunities with a sponsoring entity. (NDCC § 15.1-07-35)
- Receive a report from the Superintendent before December 1 of each year on the categories and amount spent by each school district on school safety and security measures during the previous school year. (NDCC § 15.1-07-36)
- Receive a report from the Education Standards and Practices Board regarding electronic satisfaction survey results of all interactions with individuals seeking information or services from the board. (NDCC § 15.1-13-36)
- Receive from the Superintendent the compilation of test scores of a test aligned to the state content standards in reading, mathematics, and science, given annually to students statewide. (NDCC § 15.1-21-10)
- Receive periodic reports from the Superintendent on the implementation and effectiveness of reading curriculum and professional development training requirements in improving educational outcomes and reading competency of students. (NDCC § 15.1-21-12.1)
- Receive periodic reports from the Superintendent on the implementation and effectiveness of the new section to Chapter 15.1-21, created to improve educational outcomes and student competency in mathematics. (2025 Senate Bill No. 2213 § 5) (NDCC § 15.1-21-12.3)

Additional information is provided below on each of the reports the committee is assigned to receive.

### **REPORT ON PUBLIC CHARTER SCHOOLS**

The Legislative Assembly, in Section 1 of Senate Bill No. 2241 (2025), created North Dakota Century Code Chapter 15.1-40 relating to public charter schools, including Section 15.1-40-06 relating to the powers and duties of the Superintendent of Public Instruction regarding public charter schools. Section 15.1-40-06 ([Appendix A](#)) requires the Superintendent to provide a report, within 3 years of approving the first public charter school, which summarizes the strategic vision and progress of each public charter school; performance of each operating public charter school, according to the performance measures and expectations specified in the charter performance agreement; status of charter applications, including charter schools that were not approved, not renewed, and closed; oversight and services provided by the Superintendent to public charter schools; and total amount of fees collected from each public charter school, how the funds were expended to support the public charter school, and the costs incurred by the Superintendent to oversee each public charter school.

### **REPORT ON THE KINDERGARTEN THROUGH GRADE TWELVE EDUCATION COORDINATION COUNCIL**

The Legislative Assembly, in Senate Bill No. 2215 (2019), created Section 15.1-01-04 ([Appendix B](#)) relating to the Kindergarten through Grade Twelve Education Coordination Council. Section 15.1-01-04 requires the coordination council prepare and present an annual report of council activities to the State Board of Public School Education and to the Legislative Management.

### **REPORT ON UPDATES TO THE STRATEGIC VISION AND A COLLABORATIVE REPORT OF THE PLANS OF EACH MEMBER ENTITY**

The Legislative Assembly, in Senate Bill No. 2025 (2019), amended Section 15.1-02-04 ([Appendix C](#)) relating to the duties of the Superintendent of Public Instruction to require the Superintendent to facilitate a process to review and update annually the statewide prekindergarten through grade 12 education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds must provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee must prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The Superintendent must provide the collaborative report and any

updates to the strategic vision to the Legislative Management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

### **REPORT ON THE FINANCIAL CONDITION OF SCHOOL DISTRICTS**

The Legislative Assembly, in House Bill No. 1034 (1999), created Chapter 15.1-02 relating to the Superintendent of Public Instruction, including Section 15.1-02-09 relating to biennial report contents. The section was amended in 2005 and 2007 to provide for annual reports on the financial condition of school districts. Section 15.1-02-09 ([Appendix D](#)) requires the Superintendent to submit an annual report on the financial condition of school districts to the Governor, Legislative Council, and the Secretary of State by the end of February. The Secretary of State also must transmit the report to the State Archivist for official and public use.

### **REPORT ON SCHOOL DISTRICT EMPLOYEE COMPENSATION**

The Legislative Assembly, in House Bill No. 1344 (2001), created Section 15.1-02-13 relating to a school district employee compensation report. Section 15.1-02-13 ([Appendix E](#)) requires each school district to report information regarding teacher and administrator employment, compensation, and benefits to the Superintendent of Public Instruction before September 11 of each year. The Superintendent is required to compile the information in a manner that allows for accurate comparisons and forward a copy of the compiled information to the Governor and the Legislative Council.

### **REPORT ON PROPOSED CHANGES TO STATE ACCOUNTABILITY PLAN**

The Legislative Assembly, in House Bill No. 1434 (2005), created Section 15.1-02-17, relating to legislative review of amendments to the state accountability plan under the federal No Child Left Behind Act of 2001. The section required, before the Superintendent of Public Instruction may submit to the United States Secretary of Education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001, the Superintendent must present the proposed changes to the interim No Child Left Behind committee. In 2019, the Legislative Assembly, in House Bill No. 1027, amended Section 15.1-02-17 ([Appendix F](#)) to update references to the federal Every Student Succeeds Act of 2015 and require the Superintendent present the proposed changes to an interim committee designated by Legislative Management. The committee must review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the Superintendent.

### **REPORT ON THE IMPLEMENTATION OF INTERVENTION MEASURES FOR CHRONICALLY LOW-PERFORMING SCHOOLS**

The Legislative Assembly, in Senate Bill No. 2254 (2023), created Section 15.1-02-23 ([Appendix G](#)), relating to intervention for chronically low-performing schools. Section 15.1-02-23 requires the Superintendent of Public Instruction to intervene directly when a public school is a chronically low-performing school and when a school district is a chronically low-performing school district. Section 15.1-02-23 also requires the Superintendent report annually to the State Board of Public School Education, the education standing committees of the Legislative Assembly during a legislative session, and an interim committee of the Legislative Management when the Legislative Assembly is not in a legislative session regarding the implementation of the section.

### **REPORT ON SCHOOL ACCREDITATION RULE WAIVERS**

The Legislative Assembly, in House Bill No. 1034 (1999), created Chapter 15.1-06, relating to schools, including Section 15.1-06-08 relating to waivers of any condition for accreditation and approval. Section 15.1-06-08 was amended in 2001 to provide additional rules for waivers. Section 15.1-06-08 ([Appendix H](#)) provides a school or school district may apply to the Superintendent of Public Instruction for a waiver of any rule governing the accreditation of schools, provided the waiver encourages innovation and has the potential to result in improved educational opportunities or enhanced academic opportunities for the students. Section 15.1-06-08 also provides if the Superintendent, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools, approves the waiver the Superintendent must file a report with the Legislative Council. The report must cite the accreditation rule

that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the Superintendent denies an application for a waiver, the Superintendent must file a notice of denial with the Legislative Council. If requested, the Superintendent must appear and respond to questions regarding the approval or denial of any application for a waiver.

### **REPORT ON EDUCATION STATUTE WAIVERS**

The Legislative Assembly, in Senate Bill No. 2166 (2001), created Section 15.1-06-08.1, restricting statutory waivers. Section 15.1-06-08.1 was amended in 2017 to allow for the waiver of certain statutes if the waiver results in certain improvements to education. Section 15.1-06-08.1 ([Appendix I](#)) provides except as provided for in the section, the Superintendent of Public Instruction may not waive any statute, in whole or in part. A school or school district may apply to the Superintendent for a waiver of Chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38, or any associated rules, if the waiver:

- Improves the delivery of education;
- Improves the administration of education;
- Provides increased educational opportunities for students; or
- Improves the academic success of students.

Section 15.1-06-08.1 also provides if the Superintendent, after receipt and consideration of an application for a waiver under this section, approves the waiver, the Superintendent must file a report with the Legislative Management. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the Superintendent denies an application for a waiver, the Superintendent must file a notice of denial with the Legislative Management. If requested, the Superintendent must appear and respond to questions regarding the approval or denial of any application for a waiver.

### **REPORT ON THE INNOVATIVE EDUCATION PROGRAM**

The Legislative Assembly, in Senate Bill No. 2186 (2017), created Section 15.1-06-08.2, relating to an innovative education program. Section 15.1-06-08.2 ([Appendix J](#)) provides the Superintendent of Public Instruction may accept a proposal from any public or nonpublic school, upon approval by the school board or governing board, for participation in an innovative education program. The proposal must include evaluation criteria and specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- Improve the delivery of education;
- Improve the administration of education;
- Provide increased educational opportunities for students; or
- Improve the academic success of students.

Section 15.1-06-08.2 also provides the Superintendent must provide annual reports to the Legislative Management regarding the innovative education program, including the status of the implementation plan; a summary of any waived statutes or rules; and a review of evaluation data results.

### **REPORT ON ACADEMIC PERFORMANCE OF STUDENTS PARTICIPATING IN VIRTUAL INSTRUCTION**

The Legislative Assembly, in House Bill Nos. 1232 and 1388 (2021), created Section 15.1-07-25.4, relating to virtual learning and to provide for a report to the Legislative Management. In 2023, the Legislative Assembly, in House Bill No. 1376, amended Section 15.1-07-25.4 to address open enrollment and weighting factors and to expand reporting requirements. Section 15.1-07-25.4 ([Appendix K](#)) provides 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.

Section 15.1-07-25.4 also requires the Superintendent of Public Instruction to provide an annual report to either the Legislative Management or the Legislative Assembly. In odd-numbered years, the report must be made to the Legislative Assembly. In even-numbered years, the report must be made to the Legislative Management. The annual report must:

- Contain a comparison of the academic performance of students participating in virtual instruction against students not participating in virtual instruction under this section; and
- Use the statewide prekindergarten through grade 12 strategic vision framework goals.

### **REPORT ON ALTERNATIVE CURRICULUM PROPOSALS**

The Legislative Assembly, in House Bill No. 1478 (2021), created Section 15.1-07-35 relating to participation in alternative curriculum outside of the classroom and to provide for a report regarding proposals to the Legislative Management. In 2023, the Legislative Assembly, in House Bill No. 1521, amended Section 15.1-07-35 to remove the requirement that a school district receive Superintendent of Public Instruction approval before implementation and the requirement that information be posted on the Superintendent's website. Section 15.1-07-35 ([Appendix L](#)) provides, upon approval by the board of a public school district or governing board of a nonpublic school, the proposal must be submitted to the Superintendent. Any school district or nonpublic school participating in the program must provide evaluation data to the Superintendent at the time and in the manner requested by the Superintendent. The Superintendent may revoke program approval if the Superintendent determines the school district, nonpublic school, or sponsoring entity failed to comply with the agreed upon terms of the educational opportunity proposal or the school district policy or failed to meet the requirements of Section 15.1-07-35. Section 15.1-07-35 also requires the Superintendent to provide a biennial report to the Legislative Management regarding alternative curriculum proposals.

### **REPORT ON SCHOOL SAFETY AND SECURITY MEASURES**

The Legislative Assembly, in House Bill No. 1337 (2023), created Section 15.1-07-36 relating to school safety and security measures. Section 15.1-07-36 ([Appendix M](#)) requires each school district to provide an annual report to the Superintendent of Public Instruction before December 1, providing the categories and amount spent on school safety and security measures during the previous school year. The Superintendent must provide the annual report to the Legislative Management.

### **REPORT ON EDUCATION STANDARDS AND PRACTICES BOARD SATISFACTION SURVEY**

The Legislative Assembly, in Senate Bill No. 2031 (2015), created Section 15.1-13-36 relating to the development of an Education Standards and Practices Board satisfaction survey. Section 15.1-13-36 ([Appendix N](#)) requires the Superintendent of Public Instruction develop an electronic survey instrument that the board must utilize at the conclusion of all interactions with individuals seeking information or services from the board. Section 15.1-13-36 also requires the board to compile the responses and provide reports regarding the results to an interim committee designated by the Legislative Management at the times and in the manner requested by the committee.

### **REPORT ON STATE CONTENT STANDARDS TEST SCORES**

The Legislative Assembly, in House Bill No. 1293 (2001), created Section 15.1-21-10 relating to the publication of test scores. The section was amended in 2003 to expand the information to be presented. Section 15.1-21-10 ([Appendix O](#)) provides upon receiving notice that the compilation of test scores has been completed, the Superintendent of Public Instruction must inform the Legislative Council. The Superintendent must present the test scores publicly for the first time at a meeting of a legislative committee designated by the Legislative Management. At the meeting, the Superintendent and representatives of the testing service that created the tests must provide detailed testimony regarding the testing instrument, the methodology used to test and assess the students, the established cut scores, the methodology used to determine the cut scores, the validation of all test products, and the significance of the test scores.



## **REPORT ON THE IMPLEMENTATION AND EFFECTIVENESS OF READING CURRICULUM AND PROFESSIONAL DEVELOPMENT**

The Legislative Assembly, in House Bill No. 1388 (2021), created Section 15.1-21-12.1 ([Appendix P](#)) relating to reading curriculum content and professional development. Section 15.1-21-12.1 sets requirements for reading curriculum, professional development training related to reading, and reading certifications required for school approval and requires the Superintendent of Public Instruction to provide periodic reports to the Legislative Management on the implementation and effectiveness of the section in improving educational outcomes and reading competency of students.

## **REPORT ON THE IMPLEMENTATION AND EFFECTIVENESS OF MATHEMATICS CURRICULUM AND PROFESSIONAL DEVELOPMENT**

The Legislative Assembly, in Senate Bill No. 2213 (2025), created Section 15.1-21-12.3 ([Appendix Q](#)) relating to mathematics curriculum and professional development, including rules and reports. Section 15.1-21-12.3 requires the Superintendent of Public Instruction and regional education associations support school districts with implementation of Section 15.1-21-12.2 relating to mathematics curriculum, professional development, and intervention. Section 15.1-21-12.3 also requires the Superintendent to provide periodic reports to the Legislative Management on the implementation and effectiveness of Section 15.1-21-12.2 in improving educational outcomes and student competency in mathematics and publish the reports submitted by school districts on the website of the Department of Public Instruction.

ATTACH:17