

SENATE BILL NO. 2215

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of
4 section 15.1-07-33, subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of
5 the North Dakota Century Code, relating to the center for distance education, the student
6 information system, the definition of administrative agency, and the statewide longitudinal data
7 system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century
8 Code, relating to the educational technology council.

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

10 **SECTION 1. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15-19-02. Administration - Director of center for distance education - Appointment**
13 **and duties.**

14 The program of and all activities related to the center for distance education are the
15 responsibility of and under the supervision of the ~~educational technology council~~state board for
16 career and technical education. The ~~educational technology council~~state board for career and
17 technical education shall hire a state director of the center for distance education who must be
18 classified under the state personnel merit system. The director shall carry out the director's
19 responsibilities in the administration of the center for distance education in the manner
20 approved by the ~~educational technology council~~state board for career and technical education.

21 **SECTION 2. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**
2 **appropriations.**

3 1. A special operating fund for the center for distance education must be maintained
4 within the state treasury and all income and fees collected by the center for distance
5 education from any source must be remitted monthly by the director to the state
6 treasurer and credited to the special operating fund. All expenditures from the fund
7 must be within the limits of legislative appropriations and must be made upon
8 vouchers, signed and approved by the ~~technology director appointed by the~~
9 educational technology kindergarten through grade twelve education coordination
10 council. Upon approval of the vouchers
11 by the office of the budget, warrant-checks must be prepared by the office of
12 management and budget. The state treasurer shall make periodic transfers upon order
13 of the director of the office of management and budget from the center for distance
14 education general fund appropriation to the special operating fund whenever its
15 balance falls so low as to require supplementation.

16 2. The ~~educational technology kindergarten through grade twelve education coordination~~
17 council may establish an administrative operational fund, of not to exceed ten
18 thousand dollars, out of the special operating fund for the center for distance
19 education. The administrative operational fund must be deposited in the Bank of North
20 Dakota and may be drawn upon by the state director of the center for distance
21 education for the payment of necessary expenses in the administration and operation
22 of the center for distance education within the limits and rules prescribed by the
23 educational technology kindergarten through grade twelve education coordination
24 council. The director shall submit a full, minute, and itemized statement of every
25 expenditure made during the month to the council in accordance with the rules
26 adopted by the council, and thereafter the council may periodically authorize additional
27 transfers to the administrative operational fund, but the balance in the fund may never
28 exceed ten thousand dollars, and any unencumbered balance at the end of any
29 biennium must revert to the state treasury. The administrative operational fund may
30 not be used to pay salaries or expenses of the director.

- 1 3. The educational technology kindergarten through grade twelve education coordination
2 council may establish a scholarship fund to provide financial grants to students
3 enrolled in courses offered through the center for distance education. The scholarship
4 fund may consist only of those funds specifically appropriated by the legislative
5 assembly and property received by the council or the center for distance education as
6 a gift, devise, or bequest. Any gift, devise, or bequest of property received by the
7 council or center for distance education which is designated by the council and donor
8 for the scholarship fund must be deposited in the scholarship fund at the Bank of North
9 Dakota. The state director of the center for distance education may draw only on the
10 interest earned by the scholarship fund for the award of scholarships within the limits
11 and rules adopted by the educational technology kindergarten through grade twelve
12 education coordination council. The interest earned by the scholarship fund is
13 appropriated to the center for distance education.

14 **SECTION 3.** A new section to chapter 15.1-01 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Kindergarten through grade twelve education coordination council.**

- 17 1. The state board of public school education shall oversee the creation and ongoing
18 operation of the kindergarten through grade twelve education coordination council.
19 2. The kindergarten through grade twelve education coordination council shall coordinate
20 collaboration between the elementary and secondary educational entities in the state
21 to support elementary and secondary education.
22 3. The kindergarten through grade twelve education coordination council consists of:
23 a. Two members of the legislative assembly selected by the legislative
24 management;
25 b. The governor or the governor's designee;
26 c. The superintendent of public instruction or the superintendent's designee;
27 d. The director of the department of career and technical education or the director's
28 designee;
29 e. The executive director of the North Dakota council of educational leaders or the
30 director's designee;

- 1 f. The executive director of the education standards and practices board or the
2 director's designee;
- 3 g. The director of North Dakota united or the director's designee;
- 4 h. The director of the North Dakota school boards association or the director's
5 designee;
- 6 i. The director of the North Dakota small organized schools or the director's
7 designee; and
- 8 j. The following gubernatorial appointees based upon recommendations made by
9 the appropriate group:
- 10 (1) An individual representing the information technology department;
11 (2) An individual representing a tribal school;
12 (3) An individual representing the North Dakota university system;
13 (4) An individual representing the North Dakota association of school
14 administrators;
- 15 (5) An individual representing the North Dakota association of secondary
16 school principals;
- 17 (6) An individual representing the North Dakota association of elementary
18 school principals;
- 19 (7) An individual representing the North Dakota special education study council;
20 (8) An individual representing the regional education associations; and
21 (9) An individual representing the center for distance education.
- 22 4. The term of office for a member appointed by the governor is four years. The governor
23 may stagger the initial appointments to the council so no more than three members'
24 terms expire in any year.
- 25 5. The council shall select a presiding officer annually from among its members.
- 26 6. A member of the council who is a member of the legislative assembly is entitled to
27 receive per diem compensation at the rate provided under section 54-35-10 for each
28 day performing official duties of the council and to reimbursement for travel and
29 expenses as provided by law, to be paid by the legislative council. A member of the
30 council who is not a state employee is entitled to receive as compensation sixty-two
31 dollars and fifty cents per day and to reimbursement of expenses as provided by law

1 for state officers while attending meetings of the council, to be paid by the state board
2 of public school education. A state employee who is a member of the council is entitled
3 to receive that employee's regular salary and is entitled to reimbursement for mileage
4 and expenses, to be paid by the employing agency.

5 7. The council may:

- 6 a. Hire an executive director.
7 b. Conduct a continuing study of the effectiveness and efficiency of the elementary
8 and secondary education system in the state.
9 c. Coordinate communication among elementary and secondary education entities.
10 d. Support innovative education practices.
11 e. Develop and utilize advisory committees as needed.
12 f. Provide recommendations to all elementary and secondary education entities
13 and the legislative assembly.

14 **SECTION 4. AMENDMENT.** Subsection 1 of section 15.1-07-33 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 1. Notwithstanding any other technology requirements imposed by the superintendent of
17 public instruction, ~~or the information technology department, or the North Dakota~~
18 ~~educational technology council,~~ each school district shall acquire PowerSchool
19 through the information technology department and use it as its principal student
20 information system. Each school district shall use a state course code, assigned by
21 the department of public instruction, to identify all local classes in PowerSchool.

22 **SECTION 5. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century
23 Code is amended and reenacted as follows:

- 24 2. "Administrative agency" or "agency" means each board, bureau, commission,
25 department, or other administrative unit of the executive branch of state government,
26 including one or more officers, employees, or other persons directly or indirectly
27 purporting to act on behalf or under authority of the agency. An administrative unit
28 located within or subordinate to an administrative agency must be treated as part of
29 that agency to the extent it purports to exercise authority subject to this chapter. The
30 term administrative agency does not include:

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- 1 a. The office of management and budget except with respect to rules made under
- 2 section 32-12.2-14, rules relating to conduct on the capitol grounds and in
- 3 buildings located on the capitol grounds under section 54-21-18, rules relating to
- 4 the classified service as authorized under section 54-44.3-07, and rules relating
- 5 to state purchasing practices as required under section 54-44.4-04.
- 6 b. The adjutant general with respect to the department of emergency services.
- 7 c. The council on the arts.
- 8 d. The state auditor.
- 9 e. The department of commerce with respect to the division of economic
- 10 development and finance.
- 11 f. The dairy promotion commission.
- 12 g. The education factfinding commission.
- 13 h. The ~~educational technology~~kindergarten through grade twelve education
- 14 coordination council.
- 15 i. The board of equalization.
- 16 j. The board of higher education.
- 17 k. The Indian affairs commission.
- 18 l. The industrial commission with respect to the activities of the Bank of North
- 19 Dakota, North Dakota housing finance agency, public finance authority, North
- 20 Dakota mill and elevator association, North Dakota farm finance agency, the
- 21 North Dakota transmission authority, and the North Dakota pipeline authority.
- 22 m. The department of corrections and rehabilitation except with respect to the
- 23 activities of the division of adult services under chapter 54-23.4.
- 24 n. The pardon advisory board.
- 25 o. The parks and recreation department.
- 26 p. The parole board.
- 27 q. The state fair association.
- 28 r. The attorney general with respect to activities of the state toxicologist and the
- 29 state crime laboratory.

- 1 s. The administrative committee on veterans' affairs except with respect to rules
2 relating to the supervision and government of the veterans' home and the
3 implementation of programs or services provided by the veterans' home.
- 4 t. The industrial commission with respect to the lignite research fund except as
5 required under section 57-61-01.5.
- 6 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
7 for the risk assessment of sexual offenders, the risk level review process, and
8 public disclosure of information under section 12.1-32-15.
- 9 v. The commission on legal counsel for indigents.
- 10 w. The attorney general with respect to twenty-four seven sobriety program
11 guidelines and program fees.
- 12 x. The industrial commission with respect to approving or setting water rates under
13 chapter 61-40.

14 **SECTION 6. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
15 Code is amended and reenacted as follows:

- 16 1. The statewide longitudinal data system committee consists of:
- 17 a. The commissioner of the board of higher education or the commissioner's
18 designee;
- 19 b. The superintendent of public instruction or the superintendent's designee;
- 20 c. The chief information officer or the officer's designee;
- 21 d. The director of the department of career and technical education or the director's
22 designee;
- 23 e. The director of job service North Dakota or the director's designee;
- 24 f. The commissioner of commerce or the commissioner's designee;
- 25 g. The director of the department of human services or the director's designee;
- 26 h. ~~The director of the North Dakota educational technology council;~~
- 27 i. The executive director of the North Dakota council of educational leaders or the
28 executive director's designee;
- 29 j. The director of the North Dakota workforce development council or the director's
30 designee; and

1 k.j. Two members of the legislative assembly appointed by the chairman of the
2 legislative management.

3 **SECTION 7. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
4 are repealed.