

SENATE BILL NO. 2175

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota
2 Century Code, or in the alternative to create and enact a new section to chapter 15.1-06 of the
3 North Dakota Century Code, relating to authorizing the superintendent of public instruction to
4 waive any statutes or rules relating to education to encourage innovative education projects.

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

6 **SECTION 1.** If House Bill No. 1034 does not become effective, a new section to
7 chapter 15-21 of the North Dakota Century Code is created and enacted as follows:

8 **Comprehensive waiver for innovative education project sites.**

- 9 1. The superintendent of public instruction may waive any statutes or administrative
10 rules, except those relating to health, safety, and civil rights, for the purpose of
11 creating an innovative education project site. An innovative education project site
12 is any public school district, school within a public school district, identified student
13 group within a public school, or any state institution operating an educational
14 program approved by the superintendent of public instruction, open and free to all
15 students, which seeks a waiver from statutes and administrative rules in return for
16 establishing an alternate model for accountability based on a clearly-evidenced
17 high level of student performance. A designated innovative education project site
18 in good standing is eligible to apply for any dedicated allocation appropriated by
19 the legislative assembly in addition to the usual state funding for schools.
- 20 2. The superintendent of public instruction shall develop and implement
21 administrative rules that outline the process school districts or state institutions will
22 follow to prepare an application proposal that details the purpose, administrative
23 organization, instructional program, and matters associated with the development
24 of an innovative education project site. To be considered for an innovative

- 1 education project site status, a local school district or state institution shall prepare
2 an application proposal that develops all of the following components:
- 3 a. A description of the educational program to be implemented by the proposed
4 innovative project site, including:
 - 5 (1) How the program will enable all students to meet challenging state
6 student performance standards;
 - 7 (2) The grade levels or ages of children to be served; and
 - 8 (3) The curriculum and instructional practices to be used;
 - 9 b. A description of how the innovative education project site will be managed;
 - 10 c. A description of the goals of the innovative education project site, including:
 - 11 (1) The objectives of the innovative education project site; and
 - 12 (2) The methods by which the innovative education project site will
13 determine its progress toward achieving those objectives;
 - 14 d. A description of the administrative relationship between the innovative
15 education project site and the public school district or state institution;
 - 16 e. A description of how parents and other members of the community will be
17 involved in the design and implementation of the innovative education project
18 site;
 - 19 f. A description of how the authorized public school district or state institution
20 will provide for the continued operation of the innovative education project site
21 following the completion of its approved waiver period;
 - 22 g. A request and justification for waivers of any allowable federal or state
23 statutory or regulatory provisions that the applicant believes are necessary for
24 the successful operation of the innovative education project site, and a
25 description of any other state or local rules, generally applicable to public
26 schools or a state institution operating an educational program approved by
27 the superintendent of public instruction, which will be waived for, or otherwise
28 not apply to, the innovative education project site;
 - 29 h. A description of how many federal, state, local, or other funds, as appropriate,
30 will be used, including a description of how such funds will be used in
31 conjunction with other federal or state programs;

- 1 i. A description of how students in the community will be allowed access,
2 including:
3 (1) Information about the innovative education project site; and
4 (2) An equal opportunity to attend the innovative education project site;
5 j. An assurance that the eligible applicant will annually provide the
6 superintendent of public instruction such information as may be required to
7 determine if the innovative education project site is making satisfactory
8 progress toward achieving the objectives described in the innovative
9 education project site's plan;
10 k. An assurance that the applicant will cooperate with the superintendent of
11 public instruction in evaluating the progress of the innovative education
12 project site; and
13 l. Such other information and assurances as the superintendent of public
14 instruction may require, as prescribed through administrative rules.
- 15 3. The superintendent of public instruction may waive any statutes or administrative
16 rules and issue an award designation of innovative education project site status to
17 any applicant that meets the application requirements and achieves the
18 concurrence of a majority of a waiver committee. The waiver committee must be
19 composed of one person appointed by the North Dakota education association,
20 one person appointed by the North Dakota council of education leaders, and one
21 person appointed by the North Dakota school boards association.
- 22 4. The superintendent of public instruction shall develop administrative rules that
23 outline the selection criteria used by the waiver committee for determining
24 meritorious applications. These selection criteria must include the following:
25 a. The quality of the proposed curriculum and instructional practices;
26 b. The contribution that the innovative education project site will make in
27 assisting educationally disadvantaged and other students to achieve voluntary
28 state content standards and voluntary state student performance standards
29 and, in general, continuous educational improvement;
30 c. The degree of flexibility afforded to the innovative education project site to
31 assure its success;

- 1 d. The extent of community support demonstrated for the application;
 - 2 e. The degree of innovation of the objectives for the innovative education project
 - 3 site;
 - 4 f. The quality of the strategy for assessing achievement of those objectives; and
 - 5 g. The likelihood that the innovative education project site will meet those
 - 6 objectives and improve educational results for students.
- 7 5. Upon approval, an innovative education project site award may be granted for a
- 8 period not to exceed three years. An awardee may resubmit its application for
- 9 continuation, through the application process, without limitation following each of its
- 10 three-year approval cycles. The superintendent of public instruction may limit the
- 11 total number of innovation education project sites to no more than twenty awards
- 12 during any given time period.

13 **SECTION 2.** If House Bill No. 1034 is approved by the fifty-sixth legislative assembly

14 and becomes effective, a new section to chapter 15.1-06 of the North Dakota Century Code is

15 created and enacted as follows:

16 **Comprehensive waiver for innovative education project sites.**

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- 18 rules, except those relating to health, safety, and civil rights, for the purpose of
- 19 creating an innovative education project site. An innovative education project site
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- 22 program approved by the superintendent of public instruction, open and free to all
- 23 students, which seeks a waiver from statutes and administrative rules in return for
- 24 establishing an alternate model for accountability based on a clearly-evidenced
- 25 high level of student performance. A designated innovative education project site
- 26 in good standing is eligible to apply for any dedicated allocation appropriated by
- 27 the legislative assembly in addition to the usual state funding for schools.
- 28 2. The superintendent of public instruction shall develop and implement
- 29 administrative rules that outline the process school districts or state institutions will
- 30 follow to prepare an application proposal that details the purpose, administrative
- 31 organization, instructional program, and matters associated with the development

- 1 of an innovative education project site. To be considered for an innovative
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 - 8 (2) The grade levels or ages of children to be served; and
 - 9 (3) The curriculum and instructional practices to be used;
 - 10 b. A description of how the innovative education project site will be managed;
 - 11 c. A description of the goals of the innovative education project site, including:
 - 12 (1) The objectives of the innovative education project site; and
 - 13 (2) The methods by which the innovative education project site will
14 determine its progress toward achieving those objectives;
 - 15 d. A description of the administrative relationship between the innovative
16 education project site and the public school district or state institution;
 - 17 e. A description of how parents and other members of the community will be
18 involved in the design and implementation of the innovative education project
19 site;
 - 20 f. A description of how the authorized public school district or state institution
21 will provide for the continued operation of the innovative education project site
22 following the completion of its approved waiver period;
 - 23 g. A request and justification for waivers of any allowable federal or state
24 statutory or regulatory provisions that the applicant believes are necessary for
25 the successful operation of the innovative education project site, and a
26 description of any other state or local rules, generally applicable to public
27 schools or a state institution operating an educational program approved by
28 the superintendent of public instruction, which will be waived for, or otherwise
29 not apply to, the innovative education project site;

- 1 h. A description of how many federal, state, local, or other funds, as appropriate,
2 will be used, including a description of how such funds will be used in
3 conjunction with other federal or state programs;
- 4 i. A description of how students in the community will be allowed access,
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- 8 j. An assurance that the eligible applicant will annually provide the
9 superintendent of public instruction such information as may be required to
10 determine if the innovative education project site is making satisfactory
11 progress toward achieving the objectives described in the innovative
12 education project site's plan;
- 13 k. An assurance that the applicant will cooperate with the superintendent of
14 public instruction in evaluating the progress of the innovative education
15 project site; and
- 16 l. Such other information and assurances as the superintendent of public
17 instruction may require, as prescribed through administrative rules.
- 18 3. The superintendent of public instruction may waive any statutes or administrative
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2 and, in general, continuous educational improvement;
- 3 c. The degree of flexibility afforded to the innovative education project site to
4 assure its success;
- 5 d. The extent of community support demonstrated for the application;
- 6 e. The degree of innovation of the objectives for the innovative education project
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- 8 f. The quality of the strategy for assessing achievement of those objectives; and
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