

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2166

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to amend and reenact section 15.1-06-08 of the North Dakota Century Code,
2 relating to the waiver of accreditation rules by the superintendent of public instruction; and to
3 repeal section 15.1-06-05 of the North Dakota Century Code, relating to modification of the
4 school calendar.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **15.1-06-08. ~~Conditions Rules for school accreditation and approval - Waiver.~~** The

9 1. A school or school district may apply to the superintendent of public instruction
10 may waive any condition for a waiver of any rule governing the accreditation and
11 approval for a reasonable period of time of schools, provided the waiver
12 encourages:

13 a. Encourages innovation, ~~permits experimentation,~~ and has

14 b. Has the potential to result in an improved program. ~~The superintendent may~~
15 wave the conditions only with the concurrence of a majority of a waiver
16 committee composed of one member appointed by the North Dakota
17 education association, one member appointed by the North Dakota council of
18 educational leaders, and one member appointed by the North Dakota school
19 boards association educational opportunities or enhanced academic
20 opportunities for the students.

21 2. The initial waiver must be for a specific period of time, but may not exceed one
22 year. A school or a school district for which a waiver has been approved under
23 this section, may apply for one extension of the waiver. The extension may not
24 exceed one year.

- 1 3. If the superintendent of public instruction, after receipt and consideration of an
2 application for a waiver of a rule governing the accreditation of schools under this
3 section approves the waiver, the superintendent shall file a report with a committee
4 designated by the legislative council. The report must cite the accreditation rule
5 that was waived, provide a detailed account of the reasons for which the rule was
6 waived, and state the time period for which the rule was waived. If the
7 superintendent of public instruction denies an application for a waiver under this
8 section, the superintendent shall file a notice of denial with the committee
9 designated by the legislative council. If requested by the chairman of the
10 committee, the superintendent shall appear before the committee and respond to
11 questions regarding the approval or denial of any application for a waiver.
12 4. Any waiver granted by the superintendent of public instruction prior to the effective
13 date of this Act is void as of the effective date of this Act. Any school or school
14 district operating under a waiver granted by the superintendent prior to the
15 effective date of this Act may apply for a new waiver under this Act.
16 5. Nothing in this section permits the superintendent of public instruction to waive in
17 whole or in part any statute or any accreditation rule that is identical to or similar to
18 any statute enacted by the legislative assembly.

19 **SECTION 2. REPEAL.** Section 15.1-06-05 of the North Dakota Century Code is
20 repealed.