

**FIRST ENGROSSMENT
with House Amendments**

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 subdivision b of subsection 1 of section 15.1-06-05 and
2 section 15.1-06-08 of the North Dakota Century Code, relating to the modification of the school
3 calendar and the waiver of accreditation rules by the superintendent of public instruction.

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

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-06-05 of the
6 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 b. In the opinion of the superintendent, the program offers educational
8 opportunities equivalent to those available in a one-hundred-eighty-day
9 school calendar and if there is no reduction in the total number of instructional
10 days required by subsection 1 of section 15.1-06-04.

11 **SECTION 2. AMENDMENT.** Section 15.1-06-08 of the 1999 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval - Waiver.** The

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

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

19 b. Has the potential to result in an improved program. ~~The superintendent may~~
20 ~~waive the conditions only with the concurrence of a majority of a waiver~~
21 ~~committee composed of one member appointed by the North Dakota~~
22 ~~education association, one member appointed by the North Dakota council of~~
23 ~~educational leaders, and one member appointed by the North Dakota school~~

1 ~~boards association~~ educational opportunities or enhanced academic
2 opportunities for the students.

3 2. The initial waiver must be for a specific period of time, but may not exceed one
4 year. A school or a school district for which a waiver has been approved under
5 this section, may apply for extensions of the waiver. Each extension may not
6 exceed one year. A school or school district that operates for a period of three
7 years under waivers granted in accordance with this section may apply to the
8 superintendent of public instruction for permanent approval of the program.

9 3. If the superintendent of public instruction, after receipt and consideration of an
10 application for a waiver of a rule governing the accreditation of schools under this
11 section approves the waiver, the superintendent shall file a report with a committee
12 designated by the legislative council. The report must cite the accreditation rule
13 that was waived, provide a detailed account of the reasons for which the rule was
14 waived, and state the time period for which the rule was waived. If the
15 superintendent of public instruction denies an application for a waiver under this
16 section, the superintendent shall file a notice of denial with the committee
17 designated by the legislative council.

18 4. The superintendent of public instruction shall adopt rules governing the submission
19 of applications, the evaluation of applications, and any other matters necessary for
20 the administration of waivers under this section.