

**FIRST ENGROSSMENT
with Conference Committee 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 create and enact section 15.1-06-08.1 of the North Dakota Century Code,
2 relating to the waiver of statutes; and to amend and reenact sections 15.1-06-05 and
3 15.1-06-08 of the North Dakota Century Code, relating to the reconfiguration of instructional
4 days and the waiver of accreditation rules.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-05 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **15.1-06-05. ~~School calendar—Modification Instructional days - Reconfiguration -~~**
9 **Application.** ~~A school district may apply to the superintendent of public instruction for approval~~
10 ~~of a pilot program in which the district's school calendar is reduced below one hundred eighty~~
11 ~~days.~~

12 1. ~~The superintendent may approve an application for a pilot program if:~~
13 a. ~~It allows the district to evaluate the modifications in the traditional school~~
14 ~~calendar from the perspective of increased school facility use; and~~
15 b. ~~In the opinion of the superintendent, the program offers educational~~
16 ~~opportunities equivalent to those available in a one hundred eighty day~~
17 ~~school calendar.~~

18 2. ~~A district submitting an application under this section shall specify:~~
19 a. ~~The minimum number of days students will attend school; and~~
20 b. ~~The comparable instructional time.~~

21 3. ~~A school district may apply to the superintendent of public instruction for~~
22 ~~permission to reconfigure the number of instructional days required by section~~
23 ~~15.1-06-04.~~

- 1 2. The superintendent of public instruction may approve an application under
2 subsection 1 only if the reconfiguration of the required number of instructional
3 days:
- 4 a. (1) Makes available to each of the school district's elementary students at
5 least nine hundred fifty-one and one-half hours of instructional time and
6 makes available to each of the district's high school students at least
7 one thousand thirty-eight hours of instructional time; and
8 (2) Does not reduce the hours of instructional time below the level made
9 available to elementary students and high school students,
10 respectively, by the school district during the last school year
11 completed prior to the date of the application; and
- 12 b. (1) Encourages innovation;
13 (2) Provides improved educational opportunities or enhanced academic
14 opportunities for the students;
15 (3) Provides for greater flexibility in the use of a school by current students;
16 (4) Provides for greater flexibility in the use of a school by individuals or
17 groups other than current students; or
18 (5) Results in significant cost-savings to the district.
- 19 3. A reconfiguration of instructional days approved by the superintendent of public
20 instruction under this section is valid for one school year. A school district may
21 apply to the superintendent for permission to extend the reconfiguration of
22 instructional days for one additional year.
- 23 4. If the superintendent of public instruction approves a district's application for
24 reconfiguration of instructional time under this section, the district is eligible to
25 receive the per student payments provided under chapter ~~45.1-28~~ 15.1-27.
- 26 4. ~~A district that operates an approved pilot program under this section for a period of~~
27 ~~three years may apply to the superintendent for permanent approval of the~~
28 ~~program.~~
- 29 5. The superintendent of public instruction shall adopt rules governing the submission
30 and evaluation of applications, ~~the evaluation of proposals, and any other matters~~

1 ~~necessary for the administration of pilot programs~~ and the monitoring of any school
2 or school district that receives a waiver under this section.

3 6. A ~~pilot program~~ reconfiguration of instructional days approved by the
4 superintendent of public instruction under this section satisfies the requirements for
5 school operation and instructional time required by law.

6 7. A ~~pilot program~~ reconfiguration of instructional days approved by the
7 superintendent of public instruction under this section does not affect the accrual of
8 teachers' benefits provided by law.

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

11 **15.1-06-08. ~~Conditions~~ Rules for school accreditation and approval - Waiver.** The

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

16 a. Encourages innovation, ~~permits experimentation;~~ and ~~has~~

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

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

28 3. If the superintendent of public instruction, after receipt and consideration of an
29 application for a waiver of a rule governing the accreditation of schools under this
30 section approves the waiver, the superintendent shall file a report with a committee
31 designated by the legislative council. The report must cite the accreditation rule

1 that was waived, provide a detailed account of the reasons for which the rule was
2 waived, and state the time period for which the rule was waived. If the
3 superintendent of public instruction denies an application for a waiver under this
4 section, the superintendent shall file a notice of denial with the committee
5 designated by the legislative council. If requested by the chairman of the
6 committee, the superintendent shall appear before the committee and respond to
7 questions regarding the approval or denial of any application for a waiver.

8 4. Any waiver granted by the superintendent of public instruction prior to the effective
9 date of this Act is void as of the effective date of this Act. Any school or school
10 district operating under a waiver granted by the superintendent prior to the
11 effective date of this Act may apply for a new waiver under this Act.

12 **SECTION 3.** Section 15.1-06-08.1 of the North Dakota Century Code is created and
13 enacted as follows:

14 **15.1-06-08.1. Statutes - Waiver.**

15 1. The superintendent of public instruction may not waive any statute, in whole or in
16 part, except as provided for in this section.

17 2. A school or school district may apply to the superintendent of public instruction for
18 a waiver of section 15.1-21-03, provided the waiver:

19 a. Encourages innovation; and

20 b. Has the potential to result in improved educational opportunities or enhanced
21 academic opportunities for the students.

22 3. The initial waiver must be for a specific period of time but may not exceed one
23 year. The school district may apply for extensions of the waiver. The first
24 extension may not exceed a period of one year. Additional extensions may not
25 exceed periods of two years.

26 4. If the superintendent of public instruction, after receipt and consideration of an
27 application for a waiver under this section, approves the waiver, the superintendent
28 shall file a report with a committee designated by the legislative council. The
29 report must provide a detailed account of the reasons for which the waiver was
30 granted and the specific time period for the waiver. If the superintendent of public
31 instruction denies an application for a waiver under this section, the superintendent

- 1 shall file a notice of denial with the committee designated by the legislative council.
2 If requested by the chairman of the committee, the superintendent shall appear
3 before the committee and respond to questions regarding the approval or denial of
4 any application for a waiver under this section.
- 5 5. The superintendent of public instruction shall adopt rules governing the submission
6 and evaluation of applications and the monitoring of any school or school district
7 that receives a waiver under this section.