

**2021 SENATE EDUCATION**

**SB 2141**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SB 2141  
1/19/2021

<b>BILL relating to student assessment scores and vendor references.</b>
--

**Chair Schaible** opened the hearing at 10:23 a.m.

**Discussion Topics:**

- State needs vendor options
- Drop DPI payments

**Chairman Schaible** introduced the bill.

**Jim Upgren, DPI**, testified in support. #1393.

**Stanley Schauer, DPI, Assessment Dept.-** testified in support. #1528

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

**Additional written testimony:**

**Sephania Guillory, #1331.**

**Chair Schaible:** The hearing on SB2141 is closed.

Adjourned at 10:33 a.m.

*Lynn Wolf, Committee Clerk*

**TESTIMONY ON SB 2141  
SENATE EDUCATION COMMITTEE**

**January 19, 2021**

**By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity  
701-328-2244**

**North Dakota Department of Public Instruction**

---

Chairman Schaible and Members of the Committee:

My name is Jim Upgren, Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2141. I will be speaking specific to sections 1 through 5 on the bill, relating to scholarships, while my colleague Mr. Stan Schauer will be speaking on the other sections.

SB 2141 would remove the identification of a single vendor in North Dakota law and allow additional assessments to be used in order to meet the requirements of various scholarships, and expand opportunities for students.

I do want to speak quickly about section 5 of the bill, which references expanding the choice of testing options for students that graduated high school in 2009-2010 for the state scholarship. I believe that this section of code (15.1-21-02.7) could be repealed in its entirety, since it only applies to students that graduated in 2010, and their scholarship eligibility would be up anyways (must use the scholarship within 6 years of graduating from high school).

Chairman Schaible and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

**TESTIMONY ON SB 2141  
SENATE EDUCATION COMMITTEE**

**January 19, 2021**

**By: Stanley Schauer, Director, Office of Assessment  
701-328-2224**

**North Dakota Department of Public Instruction**

---

Chairman Schaible and Members of the Committee:

My name is Stanley Schauer, Director in the Office of Assessment with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2141. I will be speaking specific to Sections 6 through 8 on the bill and the proposed amendment that include edits as well as two additional Sections, 9 and 10.

The Section 6 amendment, as I understand it, is essentially cleanup language with the removal of “shall” and addition of “may” found in Section 7 of the bill. Currently the ACT or WorkKeys assessments are not included in the list of assessments a parent directive would apply to. Removing the requirement to take the assessment also removes the need for it to be listed in the parent directive section of ND Century Code.

As mentioned above, section 7 removes the requirement for grade 11 students to take the ACT. In tandem with other sections of the bill, it also adds broadening language around which assessment may be taken. I do want to mention that each high school student still needs a summative assessment that is aligned to state content

and achievement standards. Schools can select the ACT or the NDSA and this is mandated by 15.1-21-08. This aligns with our State ESSA plan as well as federal and state accountability. With how things currently stand, if a school opted to use the NDSA to meet this requirement, an ACT was also mandated.

Section 8 also deals with summative assessment, but in relation to students pursuing a general educational development diploma. This section contains language that specified the ACT as the only summative assessment that may be taken as well as changed the responsibility of cost from the school district to the Superintendent of Public Instruction.

The first edit of the proposed amendment deals with repealing 15.1-21-17, this area of NDCC refers to annually administered interim assessments in school districts. This change also relates to Sections 9 and 10. Section 9 is the actual repealing language and Section 10 refers to a study on interim assessment systems. The study would have collaboration between education stakeholders and the K12 Coordination Council. Benefits, cost, data standardization, compatibility with SLDS, and other aspects will be looked at from two different systems: local and statewide. Many innovations occurring in the assessment world revolve around interim assessments. I feel strongly about the purpose and use of interim assessments, and also feel that they are a great starting point to explore innovative and new ways to measure students and schools more effectively. The study and following implementations will hopefully

help strengthen this level of assessments in North Dakota. It is possible, after a plan is set forth, the language being repealed would be replaced. The two other changes brought forth in the proposed amendment removes the cost responsibility from the Superintendent of Public Instruction that are currently in Section 7 and Section 8 that deal with summative assessments.

Chairman Schaible and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

**January 19, 2021**

Honorable Members of the Senate Education Committee  
North Dakota Senate  
State Capitol  
600 East Boulevard  
Bismarck, ND 5805-0360

Dear Chairman Schaible and Members:

Thank you for this opportunity to provide comment on Senate Bill 2141.

If passed, Senate Bill 2141 would cause certain students to be administered an alternate “equivalent nationally recognized standardized test” in grade 11, in place of the ACT or WorkKeys.

### **Empirical Data**

While the ACT is not the sole standardized test used as a college entrance examination:

- The ACT is the only nationally recognized college entrance exam that has empirically-derived college and career readiness benchmarks.
- The ACT is the only college entrance exam that provides a science score based on an actual science test. This ACT science score measures the skills college science instructors regard as critical for success in college level courses.
- The ACT is the only test to provide a predictive STEM score, which policy planners may aggregate and use to measure progress toward North Dakota STEM Network’s goal to change and grow the state economy.
- The ACT is the only college entrance exam that has maintained a consistent score scale for decades, one that is recognized and valued by North Dakota students, parents, educators and postsecondary institutions.

**In an ever-changing country, the ACT is a constant in student life and in student success:** The consistency of North Dakota utilizing the ACT with all students has provided educators and policymakers with stable and reliable longitudinal data for many years, for all students and for specified subgroups of students. This consistency allows for clear and direct comparison among North Dakota districts and between the 17 other states that provide all public-school students with the ACT.

### **Workforce Success**

**The ACT is the only college entrance exam that provides an interest inventory to identify personally relevant career (educational and occupational) options, and predicts a student’s success on WorkKeys assessments.** The career readiness indicator is significant because success on WorkKeys assessments allows students to earn a National Career Readiness Certificate (NCRC), which *Site Selection Magazine* identifies as one-third of the components that make up its workforce development rankings.



Not only do over 26,900 employers in the United States recognize the NCRC as a credential that certifies an applicant's ability to succeed, a 2018 study shows a correlation between NCRCs and higher wages. The NCRC that is earned from successful performance on the WorkKeys assessments stands alone as a nationally portable credential of foundational skills that leads to job attainment and higher rates of income security.

The stakes for students are high; the practical application an exam has on a student's future must be prioritized in any decision about assessments. Perhaps this is why North Dakota identified only the ACT and WorkKeys as the qualifying assessments for both the North Dakota Academic Scholarship and the Career and Technical Education Scholarship.

With the unprecedented challenges meeting the North Dakota students who are the class of 2020, 2021, and 2022 through 2029, the importance of ensuring that every child has a clear path to a successful college and career is clear. ACT helps educators create this path by providing a holistic and empirically based framework of college and career readiness to help ensure North Dakota students are prepared to achieve their dreams of education and career success after high school.

**Please Vote No to SB 2141**

For the aforementioned reasons, I write with strong concern about the unintended consequence of SB 2141 if enacted, which is to introduce the option of substitute examinations without regard for the advantages that North Dakota's students will forfeit as a result. For this reason, I ask that you vote "No" on SB 2141.

Respectfully,

**Stephanie Chavis Guillory**

Director

**State Government Relations**

500 ACT Dr. | Iowa City, Iowa 52243-0168

mobile 225.288.0606

[stephanie.guillory@act.org](mailto:stephanie.guillory@act.org) | [www.ACT.org](http://www.ACT.org)

# 2021 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SB 2141  
1/19/2021

**AN ACT relating to student assessment scores and vendor references relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report.**

**Chair Schaible** called to order at 2:25 p.m.

**Discussion Topics:**

- **Amendment 21.0048.01002**

**Chair Schaible:** Introduced the Christmas tree version and asked for input and adjourned. #7017

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

Adjourned at 2:28

*Lynn Wolf, Committee Clerk*

Sixty-seventh  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2141**

Introduced by

Senators Schaible, Davison

Representatives Heinert, Pyle

1 A BILL for an Act to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4,  
2 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota  
3 Century Code, relating to student assessment scores and vendor references; to repeal section  
4 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a  
5 superintendent of public instruction study; and to provide for a legislative management report.

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

7 **SECTION 1. AMENDMENT.** Section 15-62.5-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15-62.5-01. Scholars program.**

10 The state board of higher education shall administer the scholars program for the purpose  
11 of providing a merit-based scholarship to an individual who:

- 12 1. a. Graduated from a high school in this state;  
13 b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;  
14 c. Graduated from a nonpublic high school in a bordering state while residing with a  
15 custodial parent in this state; or  
16 d. Completed a program of home education supervised in accordance with chapter  
17 15.1-23;
- 18 2. On the ACT or an equivalent nationally recognized standardized test approved by the  
19 state board of higher education, achieved composite scores that ranked the individual  
20 at or above the ninety-fifth percentile among those who took the ACT or an equivalent  
21 nationally recognized standardized test approved by the state board of higher  
22 education, prior to July first in the calendar year preceding the individual's enrollment;
- 23 3. a. Is enrolled at an accredited institution of higher education in this state that offers  
24 a program of instruction equal to at least two academic years;

- 1           b. Because of a medically certifiable disability is enrolled at an accredited institution  
2           of higher education outside of this state that offers the individual special services  
3           or facilities not available in this state, provided the institution offers a program of  
4           instruction equal to at least two academic years; and

- 5           4. Is pursuing a course of study determined by the board to be full-time.

6           **SECTION 2. AMENDMENT.** Section 15-62.5-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **15-62.5-03. Scholars program - Ranking and selection of recipients.**

- 9           1. The state board of higher education shall rank scholars program applicants by their  
10          ACT composite scores or equivalent scores on a nationally recognized standardized  
11          test approved by the state board of higher education.  
12          2. If two or more applicants have the same composite scores, they must be ranked by  
13          the numeric sum of their four scale scores on the ACT or equivalent scores on a  
14          nationally recognized standardized test approved by the state board of higher  
15          education.  
16          3. If two or more applicants have the same composite scores and the same numeric sum  
17          of the four scale scores, they must be ranked by the numeric sum of their English and  
18          mathematics scores.  
19          4. The state board of higher education may establish additional criteria to rank applicants  
20          who have the same numeric sum of their English and mathematics scores.  
21          5. Scholarships must be offered to applicants in descending order according to this  
22          ranking until available funds have been expended or until the pool of applicants has  
23          been exhausted.

24          **SECTION 3. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26          **15.1-21-02.4. North Dakota career and technical education scholarship. (Effective**  
27 **through July 31, 2021)**

28          Any resident student who graduates from a high school during or after the 2010-11 school  
29          year and any resident student who completes a program of home education supervised in  
30          accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
31          North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6                science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9                (2) One unit of chemistry; and  
10            (3) One unit of physics; or  
11            b. (1) One unit of biology;  
12                (2) One unit of physical science; and  
13                (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15            a. One unit of United States history;  
16            b. (1) One-half unit of United States government and one-half unit of economics;  
17                or  
18                (2) One unit of problems of democracy; and  
19            c. One unit or two one-half units of any other social studies, which may include  
20                civics, civilization, geography and history, multicultural studies, North Dakota  
21                studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23            b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25            a. One unit selected from:  
26                (1) Foreign languages;  
27                (2) Native American languages;  
28                (3) American sign language;  
29                (4) Fine arts; or  
30                (5) Career and technical education courses; and

- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction. The education pathway must consist of two units in teaching
- 5           profession and educational methodology and at least one additional unit in
- 6           advanced placement or dual-credit psychology, child development, peer-to-peer
- 7           leadership, or child-related careers;
- 8        7. Completed any five additional units, two of which must be in the area of career and
- 9        technical education;
- 10       8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 11           scale, as determined by the superintendent of public instruction, based on
- 12           all high school units in which the student was enrolled; and
- 13           (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 14        b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 15           scale, as determined by the superintendent of public instruction, based only
- 16           on the units required by subsections 1 through 7; and
- 17           (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 18        9. Received:
- 19           a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 20           nationally recognized standardized test approved by the state board of higher
- 21           education; or
- 22           b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 23           score on a nationally recognized standardized test, recommended by the
- 24           department of career and technical education and approved by the
- 25           superintendent of public instruction.

**North Dakota career and technical education scholarship. (Effective after July 31, 2021)**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6                science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9                (2) One unit of chemistry; and  
10            (3) One unit of physics; or  
11            b. (1) One unit of biology;  
12                (2) One unit of physical science; and  
13                (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15            a. One unit of United States history;  
16            b. (1) One-half unit of United States government and one-half unit of economics;  
17                or  
18                (2) One unit of problems of democracy; and  
19            c. One unit or two one-half units of any other social studies, which may include  
20                civics, civilization, geography and history, multicultural studies, North Dakota  
21                studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23            b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25            a. One unit selected from:  
26                (1) Foreign languages;  
27                (2) Native American languages;  
28                (3) American sign language;  
29                (4) Fine arts; or  
30                (5) Career and technical education courses; and

- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction which may be governed by rules adopted by the superintendent of
- 5           public instruction;
- 6       7. Completed any five additional units, two of which must be in the area of career and
- 7       technical education;
- 8       8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 9           scale, as determined by the superintendent of public instruction, based on
- 10          all high school units in which the student was enrolled; and
- 11          (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 12       b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 13           scale, as determined by the superintendent of public instruction, based only
- 14           on the units required by subsections 1 through 7; and
- 15          (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 16       9. Received:
- 17       a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 18           nationally recognized standardized test approved by the state board of higher
- 19           education; or
- 20       b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 21           score on a nationally recognized standardized test, recommended by the
- 22           department of career and technical education and approved by the
- 23           superintendent of public instruction.

24       **SECTION 4. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-02.5. North Dakota academic scholarship.**

27       Any resident student who graduates from a high school during or after the 2010-11 school  
28 year and any resident student who completes a program of home education supervised in  
29 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
30 North Dakota academic scholarship provided the student:



- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction;  
5            b. One unit of mathematics for which algebra II, as defined by the superintendent of  
6                public instruction, is a prerequisite; and  
7            c. One unit of any other mathematics, which may include computer science;
- 8        3. Completed three units of science, consisting of:  
9            a. (1) One unit of biology;  
10                (2) One unit of chemistry; and  
11                (3) One unit of physics; or  
12            b. (1) One unit of biology;  
13                (2) One unit of physical science; and  
14                (3) One unit or two one-half units of any other science;
- 15        4. Completed three units of social studies, including:  
16            a. One unit of United States history;  
17            b. (1) One-half unit of United States government and one-half unit of economics;  
18                or  
19                (2) One unit of problems of democracy; and  
20            c. One unit or two one-half units of any other social studies, which may include  
21                civics, civilization, geography and history, multicultural studies, North Dakota  
22                studies, psychology, sociology, and world history;
- 23        5. a. Completed one unit of physical education; or  
24            b. One-half unit of physical education and one-half unit of health;
- 25        6. a. Completed two units of:  
26                (1) The same foreign language;  
27                (2) The same native American language;  
28                (3) American sign language; or  
29                (4) Career and technical education from a coordinated plan of study  
30                        recommended by the department of career and technical education and  
31                        approved by the superintendent of public instruction or an education

1 pathway, approved by the superintendent of public instruction. The  
2 education pathway must consist of two units in teaching profession and  
3 educational methodology and at least one additional unit in advanced  
4 placement or dual-credit psychology, child development, peer-to-peer  
5 leadership, or child-related careers; and

6 b. One unit selected from:

7 (1) Foreign languages;

8 (2) Native American languages;

9 (3) American sign language;

10 (4) Fine arts; or

11 (5) Career and technical education;

12 7. Completed any five additional units;

13 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
14 scale, as determined by the superintendent of public instruction, based on  
15 all high school units in which the student was enrolled; and

16 (2) Obtained a grade of at least "C" in each unit or one-half unit; or

17 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
18 scale, as determined by the superintendent of public instruction, based only  
19 on the units required by subsections 1 through 7; and

20 (2) Obtained a grade of at least "C" in each unit or one-half unit;

21 9. Received a composite score of at least twenty-four on an ACT or an equivalent score  
22 on a nationally recognized standardized test approved by the state board of higher  
23 education; and

24 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means  
25 of an advanced placement course and examination;

26 b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by  
27 completion, through an early entrance program, of a nonremedial postsecondary  
28 course offered for credit at an accredited institution of higher education which has  
29 a physical presence in this state; or

30 c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by  
31 means of a dual-credit course.

1       **SECTION 5. AMENDMENT.** Section 15.1-21-02.7 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school**  
4 **graduates.**

- 5       1. Except as provided in subsection 3, any resident student who graduates from a high  
6 school during the 2009-10 school year is eligible to receive a North Dakota academic  
7 scholarship, provided the student is certified by the superintendent of public instruction  
8 as having obtained a composite score of at least twenty-four on an ACT or an  
9 equivalent score on a nationally recognized standardized test approved by the state  
10 board of higher education.
- 11       2. Except as provided in subsection 3, any resident student who graduates from a high  
12 school during the 2009-10 school year is eligible to receive a North Dakota technical  
13 scholarship, provided the student is certified by the superintendent of public instruction  
14 as having obtained:
  - 15       a. A composite score of at least twenty-four on an ACT or an equivalent score on a  
16 nationally recognized standardized test approved by the state board of higher  
17 education; or
  - 18       b. A score of at least five on each of three WorkKeys assessments or an equivalent  
19 score on a nationally recognized standardized test, recommended by the  
20 department of career and technical education and approved by the  
21 superintendent of public instruction.
- 22       3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may  
23 not receive a scholarship under both subsections.

24       **SECTION 6. AMENDMENT.** Section 15.1-21-08.1 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.**

- 27       1. A student's parent may direct the school district in which the student is enrolled not to  
28 administer to the student any state test or state assessment required in accordance  
29 with section 15.1-21-08.
- 30       2. In addition to the authority granted under subsection 1, a student's parent may direct  
31 that the school district in which the student is enrolled not administer any other specific

- 1 test or assessment to the student, except a parental directive under this subsection  
2 does not apply to:
- 3 a. Any test or assessment required by the student's school district of enrollment or  
4 this state for the completion of any grade from kindergarten through twelve; or  
5 b. Any test or assessment required by the student's school district of enrollment or  
6 this state for high school graduation;  
7 ~~e. The ACT; or~~  
8 ~~d. WorkKeys assessments.~~
- 9 3. a. A parental directive is valid only if it is presented to the school district using a  
10 standardized form, prepared by the superintendent of public instruction, and  
11 signed by the student's custodial parent.  
12 b. A parental directive is valid only until the conclusion of the school year in which it  
13 is received by the school district.  
14 c. A parental directive submitted to a school district in accordance with this section  
15 must be retained as part of the student's educational record.
- 16 4. A school district is not liable for any consequences incurred by a student as a result of  
17 a parental directive submitted in accordance with this section.
- 18 5. A school district is not required to provide instruction or activities for a student during  
19 the administration of any test or assessment referenced in the parental directive  
20 submitted by the student's parent.
- 21 6. Each school district shall post the parental directive form on its website and make the  
22 form available to a parent, upon request.
- 23 7. At the time and in the manner directed by the superintendent of public instruction,  
24 each school district shall provide a report regarding:  
25 a. The number of parental directives received;  
26 b. The number of parental directives applicable to students who are economically  
27 disadvantaged, students from major racial and ethnic groups, students with  
28 disabilities, and students with limited English proficiency; and  
29 c. Any loss of funding stemming from the parental directives.

30 **SECTION 7. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is  
31 amended and reenacted as follows:

**15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall may take the:

a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; ~~or three~~

b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. ~~The student shall determine which summative assessment to take.~~

~~2. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.~~

~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

~~3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.~~

~~4. At the time and in the manner determined by the superintendent of public instruction, each school district superintendent and each school administrator in the case of a nonpublic school shall report the number of eleventh grade students who:~~

~~a. Took the ACT, including the writing test;~~

~~b. Took the three WorkKeys assessments; and~~

~~c. Were exempted from the requirements of this section, together with the reason for each exemption.~~

**SECTION 8. AMENDMENT.** Section 15.1-21-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-20. Summative assessment - General educational development diploma - Selection - Cost.**

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the:

1           a. The ACT or an equivalent nationally recognized standardized test approved by  
2           the state board of higher education; or three

3           b. Three WorkKeys assessments or an equivalent nationally recognized  
4           standardized test, recommended by the department of career and technical  
5           education and approved by the superintendent of public instruction. ~~The student~~  
6           ~~shall determine which summative assessment to take.~~

7           ~~2. The school district in which the student resides at the time the student takes the~~  
8           ~~summative assessment~~ superintendent of public instruction is responsible for the cost  
9           ~~of one summative assessment and its administration per student.~~

10          ~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to  
11          review the student's assessment results.

12          ~~3.4.~~ This section is applicable only to a student who has not reached the age of twenty-one  
13          before August first of the year of enrollment.

14          **SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

15          **SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM**

16          **EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the  
17          2021-22 interim, the superintendent of public instruction shall study interim education  
18          assessment systems. The study must include consultation and collaboration with education  
19          stakeholders and the kindergarten through grade twelve education coordination council. The  
20          study also must include an evaluation and review of existing vendors, data standardization,  
21          statewide longitudinal data system compatibility, the costs associated with the interim  
22          assessment systems, and the benefits of local and statewide interim assessment systems.  
23          Before June 1, 2022, the superintendent of public instruction shall report the findings and  
24          recommendations of the study, including with any proposed legislation necessary to implement  
25          the recommendations, to the legislative management.

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

SB 2141  
1/20/2021

A BILL relating to student assessment scores and vendor references.

2:15 PM

**Discussion:** Topics: K-12 Assessments

**Stanley Schauer** - ND DPI – Assessments Dept. responds to questions by the committee

**Kirsten Baesler** - ND DPI Superintendent responds to questions by the committee

**Motion by Senator Oban, second by Senator Elkin** to pass amendment 21.0187.01002

**Roll Call Vote: 6-Yea; 0-Nay; 0-AB**

**Motion passed**

Motion by **Senator Elkin**, second by **Senator Lemm** for **Do Pass as amended** SB 2141.

**Roll Call Vote: 6-Yea; 0-Nay; 0-AB**

**Motion passed**

**Sen Schaible will carry the bill**

**Additional written testimony:** None

2:44 PM

*Lynn Wolf, Committee Clerk*

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

Amendment 01002	
Senator	Vote 1
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

SB 2141 as Amended	
Senator	Vote 2
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

January 18, 2021

SK  
1/21  
1002

PROPOSED AMENDMENTS TO SENATE BILL NO. 2141

Page 1, line 3, after "references" insert "; to repeal section 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report"

Page 11, line 10, remove "2."

Page 11, line 10, overstrike "The superintendent of public instruction is responsible for the cost of"

Page 11, line 11, overstrike "one summative assessment per student."

Page 11, line 12, remove the overstrike over "2."

Page 11, line 12, remove "3."

Page 12, line 7, remove "2."

Page 12, line 7, overstrike "The"

Page 12, line 8, remove "superintendent of public instruction"

Page 12, line 8, overstrike "is responsible for the cost"

Page 12, line 9, overstrike "of one summative assessment"

Page 12, line 9, overstrike "per student."

Page 12, line 10, remove the overstrike over "2."

Page 12, line 10, remove "3."

Page 12, line 12, remove the overstrike over "3."

Page 12, line 12, remove "4."

Page 12, after line 13, insert:

**"SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

**SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2021-22 interim, the superintendent of public instruction shall study interim education assessment systems. The study must include consultation and collaboration with education stakeholders and the kindergarten through grade twelve education coordination council. The study also must include an evaluation and review of existing vendors, data standardization, statewide longitudinal data system compatibility, the costs associated with the interim assessment systems, and the benefits of local and statewide interim assessment systems. Before June 1, 2022, the superintendent of public instruction shall report the findings and recommendations of the study, including with any proposed legislation necessary to implement the recommendations, to the legislative management."



Renumber accordingly

21.0048

**REPORT OF STANDING COMMITTEE**

**SB 2141: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Sixth order on the calendar.

Page 1, line 3, after "references" insert "; to repeal section 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report"

Page 11, line 10, remove "2."

Page 11, line 10, overstrike "The superintendent of public instruction is responsible for the cost of"

Page 11, line 11, overstrike "one summative assessment per student."

Page 11, line 12, remove the overstrike over "2:"

Page 11, line 12, remove "3."

Page 12, line 7, remove "2."

Page 12, line 7, overstrike "The"

Page 12, line 8, remove "superintendent of public instruction"

Page 12, line 8, overstrike "is responsible for the cost"

Page 12, line 9, overstrike "of one summative assessment"

Page 12, line 9, overstrike "per student."

Page 12, line 10, remove the overstrike over "2:"

Page 12, line 10, remove "3."

Page 12, line 12, remove the overstrike over "3:"

Page 12, line 12, remove "4."

Page 12, after line 13, insert:

**"SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

**SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2021-22 interim, the superintendent of public instruction shall study interim education assessment systems. The study must include consultation and collaboration with education stakeholders and the kindergarten through grade twelve education coordination council. The study also must include an evaluation and review of existing vendors, data standardization, statewide longitudinal data system compatibility, the costs associated with the interim assessment systems, and the benefits of local and statewide interim assessment systems. Before June 1, 2022, the superintendent of public instruction shall report the findings and recommendations of the study, including with any proposed legislation necessary to implement the recommendations, to the legislative management."

Renumber accordingly

**2021 HOUSE EDUCATION**

**SB 2141**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SB 2141  
3/9/2021

Relating to student assessment scores and vendor references; relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report

**Chairman Owens** called the hearing to order at 3:35 PM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Zubke, Guggisberg and Hager present.

### Discussion Topics:

- ACT funding elimination
- Required assessment elimination

**Sen. Schaible** introduced the bill, #8146

**Jim Upgren, DPI, #7807**

**Aimee Copas, ND CEL, #8324**

**Stan Schauer, Dir. Of Assessment, DPI, #8019**

**Madeline Easton, State Association of Nonpublic Schools, introduction**

**Tracey Friesen, State Association of Nonpublic Schools, #8309**

**Additional written testimony:** #8102, #8359, #8360

**Chairman Owens** closed the hearing at 3:50 PM.

*Bev Monroe, Committee Clerk*



## NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



### Senator Donald Schaible

District 31  
9115 Highway 21  
Mott, ND 58646-9200

Residence: 701-824-3168  
[dgschaible@nd.gov](mailto:dgschaible@nd.gov)

### COMMITTEES:

Education  
Energy and Natural Resources, Chairman

Good afternoon Chairman Owens and House Education Committee. For the record My name is Senator Don Schaible, District 31. I am here to day to introduce SB 2141.

What you will first notice in this bill is adding the phrase “or an equivalent nationally recognized standardized test approved by the state board of higher education anywhere the references the ACT test.

This is suggested because we does not think that we should list a single vendor in North Dakota law and allow additional assessments to be used in to meet the requirements of various scholarships and expand opportunities for students. Giving the state options to choose from the best product that is out or yet to come.

There are also several references to the WorkKeys assessments where we have added “or an equivalent score on a nationally recognized standardized test” which would be approved by the department of career and technical education. This wording was added for the same reasons as before.

Section 6 is talking about a Report that is required and ACT or WorkKeys are not included in the list of assessments a parent directive would apply, so having them listed on the report makes no sense and seems reasonable to remove them.

Section 7 removes the requirements for grade 11 students to take the ACT test. With language of other sections of this bill it also gives more flexibility on which assessment may be taken. I do need to mention that each high school student still needs a summative assessment that aligned to state content and achievement standards. Schools can select to use the ACT test or

the North Dakota State Assessment test. This aligns with our state's "Every Student Succeed Act" plan as well as federal and state accountability. Without the language in SB 2141 if a school would choose to use the ND State Assessment test to meet this requirement, an ACT would also be mandated at a cost to the state.

Section 8 gives our students pursuing a GED diploma the same choices of summative assessment choices as other students.

Section 9 removes the requirement for a state interim assessment. This however does not limit how school locally conduct interim assessment as they see fit.

Section 10 refers to study on interim assessment. This study would include education stakeholders and the K-12 Coordination Council. The benefits, cost, data standardization, compatibility with SLDS and other aspects will be looked at from two different systems- local and statewide. If we are going to use interim assessments, they should be targeted for a real purpose, provide data points the mean something and can produce valuable information for future planning.

**TESTIMONY ON SB 2141  
HOUSE EDUCATION COMMITTEE**

**March 9, 2021**

**By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity  
701-328-2244**

**North Dakota Department of Public Instruction**

---

---

Chairman Owens and Members of the Committee:

My name is Jim Upgren, Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2141. I will be speaking specific to sections 1 through 5 on the bill, relating to scholarships, while my colleague Mr. Stan Schauer will be speaking on the other sections.

SB 2141 would remove the identification of a single vendor in North Dakota law and allow additional assessments to be used in order to meet the requirements of various scholarships, and expand opportunities for students.

I do want to speak quickly about section 5 of the bill, which references expanding the choice of testing options for students that graduated high school in 2009-2010 for the state scholarship. I believe that this section of code (15.1-21-02.7) could be repealed in its entirety, since it only applies to students that graduated in 2010, and their scholarship eligibility would be up anyways (must use the scholarship within 6 years of graduating from high school).

Chairman Owens and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.





SB 2141 – ACT Vendor References

NDCEL Testimony in support with requests for considerations

Chairman Owens and members of the House Education Committee, my name is Aimee Copas and I serve as the Executive Director for NDCEL. I come today in general support for this concept of removing vendor names from century code and providing local flexibility. That being said, I also to share some concerns with the 2000 version of the bill as shared by secondary school principals in our state.

In the amended version, the funding that provided for the ACT or Workkeys test (one or the other) to be taken at no cost to the schools or families has been removed. This causes concern in the field. Yesterday, I surveyed the ND Secondary School Principals to seek their input. In 24 hours, I heard from about 50% of the districts. Here were the general themes that resonated:

- 63% of the principals shared concern about having the funding removed.
  - Their chief concern was parents who may wish for their son or daughter to take the test, and if it is not the test the school uses for accountability through ESSA, the cost of the test would be shifted to either the school or the family.
    - Some families from lower socio-economic background cannot afford the additional cost of the test. This was large-in-part why the state began paying for it from the beginning.
    - The contract with ACT reduced the cost vs. the non-contracted price that schools and families would now pay. That contract also covered every student in ND – ensuring home school and non-public school students had the opportunity to take it as well. That was not an additional cost – rather it was part of the contract.
  - Furthering that concern would be putting potential undue challenges on students based on affordability to compete for the state scholarship.
  - Choice Ready requirements in the state do indicate the need to perform on the ACT test.
  - Principals would prefer to have the contract in place with flexibility – meaning that not all students would be “required” to take the test – only those who wished to take it would need to take advantage of the ACT or Workkeys opportunity.
- Regarding the interim assessment removal – the majority of principals were not concerned about this. Furthermore, the majority would continue to do interim assessments.

Again, NDCEL believes the language in this bill has some positive pieces. We would recommend a strong consideration of putting the funding back in place for the test, however. Thank you.

**TESTIMONY ON SB 2141  
HOUSE EDUCATION COMMITTEE**

**March 9, 2021**

**By: Stanley Schauer, Director, Office of Assessment**

**701-328-2224**

**North Dakota Department of Public Instruction**

---

---

Chairman Owens and Members of the Committee:

My name is Stanley Schauer, Director in the Office of Assessment with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2141. I will be speaking specific to Sections 6 through 8 on the bill and the proposed amendment that include edits as well as two additional Sections, 9 and 10.

The Section 6 amendment, as I understand it, is essentially cleanup language that corresponds with the removal of “shall” and addition of “may” found in Section 7 of the bill. Currently the ACT or WorkKeys assessments are not included in the list of assessments a parent directive would apply to. Removing the requirement to take the assessment also removes the need for it to be listed in the parent directive section of ND Century Code.

As mentioned above, section 7 removes the requirement for grade 11 students to take the ACT and the cost responsibility that was associated with the Superintendent of Public Instruction. It is worth noting that funding for the ACT was removed from HB 1013 (NDDPI budget bill). In the scenario that “may” was

changed back to “shall” without addressing cost responsibility, the cost would fall onto families, if local schools elected not to responsibility of the cost. In tandem with other sections of the bill, it also adds broadening language around which assessment may be taken. I do want to mention that each high school student still needs a summative assessment that is aligned to state content and achievement standards. Schools can select the ACT or the NDSA and this is mandated by 15.1-21-08. This aligns with our State ESSA plan as well as federal and state accountability. With how things currently stand, if a school opted to use the NDSA to meet this requirement, an ACT was also mandated. The listing of a specific vendor in NDCC hinders and impacts flexibility and contract negotiations.

Section 8 also deals with summative assessment, but in relation to students pursuing a general educational development diploma. This section contains language that specified the ACT as the only summative assessment that may be taken. I believe that this section could be repealed, if I understand correctly it is not mandating anything and essentially is saying that a GED earner “may” take a summative assessment like the ACT or equivalent. Language of cost responsibility is removed.

The first edit of the proposed amendment deals with repealing 15.1-21-17, this area of NDCC refers to annually administered interim assessments in school districts. This change also relates to Sections 9 and 10. Section 9 is the actual repealing

language and Section 10 references a study on interim assessment systems. The study would have collaboration between education stakeholders and the K12 Coordination Council. Benefits, cost, data standardization, compatibility with SLDS, and other aspects will be looked at from two different systems: local and statewide. Many innovations occurring in the assessment world revolve around interim assessments. I feel strongly about the purpose and use of interim assessments, and also feel that they are a great starting point to explore innovative and new ways to measure students and schools more effectively. The study and following implementations will hopefully help strengthen this level of assessments in North Dakota.

Lastly, it is worth noting that some unintended impacts on educational research efforts may occur. ACT results are often used in studies and research and it is possible that removing the requirement for all students to take the ACT or WorkKeys would reduce the robustness of the data set. It is possible the level of confidence, which is currently relatively high, would be reduced. Research and studies would not be totally hindered, but possibly would need to be revised. There is a steady increase in the trend of schools electing to use the ACT for high school accountability, this would help counteract any loss in confidence or robustness effects. We anticipate there will be approximately 66% of juniors who will be using the ACT in this manner in 2021.

Chairman Owens and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

**House Education Committee**

**Chairman Mark S. Owens**

**March 9, 2021**

**Testimony of Tracy Friesen,**

**Academic Advancement Coordinator**

**State Association of Non-Public Schools**

[tfriesen@lightofchristschools.org](mailto:tfriesen@lightofchristschools.org)

**701-223-4113**

**SB 2141**

Chairman Owens and members of the committee, my name is Tracy Friesen, Academic Advancement Coordinator at Light of Christ Catholic Schools and I am speaking to you on behalf of the State Association of Nonpublic Schools. We are in opposition of the original bill but in support of the amendment Representative Heinert has introduced.

The amendment before you is about giving equity in the options. Public schools have the option to have the ACT funded for juniors if they opt to use this as an accountability measure. In the current year, 66.58% have used the ACT. The current bills unintentionally excludes private schools, homeschools, and BIA schools. The presented amendment would maintain the status quo current access to all students taking the ACT.

This option should be equitably available to all juniors in the state of North Dakota to promote college and career readiness and state scholarship opportunities.

Removing a state funded ACT test for a specific class of high school juniors who attend private schools, homeschools, or BIA schools is unfair and puts a burden on some parents and not on others in the public system.

Ultimately, equity for readiness opportunities post high school is what is being sought for ALL students in North Dakota.

This amendment, if adopted, will continue to preserve the status quo. The State Association of Nonpublic Schools supports Representative Heinert's amended version.

Thank you for your consideration.

**March 8, 2021**

Honorable Members of the House Education Committee  
North Dakota House of Representatives  
State Capitol  
600 East Boulevard  
Bismarck, ND 58505-0360

Dear Chairman Owens and Members:

Thank you for this opportunity to provide comment on Senate Bill 2141 and for the opportunity to serve the students and educators of North Dakota.

Flexibility in your ability to provide North Dakota with the best tools to support their growth and achievement is important. While ACT recognizes the importance of this flexibility, I would like to provide an overview of what makes the ACT distinct from other standardized exams.

- The ACT is the only nationally recognized college entrance exam that has empirically-derived college and career readiness benchmarks. These benchmarks not only predict a student's ability to succeed in college, but allow educators to align curricula to address gaps that are identified through testing data.
- The ACT is the only college entrance exam that provides a science score based on an actual science test. This ACT science score measures the skills college science instructors regard as critical for success in college level courses.
- The ACT is the only test to provide a predictive STEM score, which policy planners may aggregate and use to measure progress toward North Dakota STEM Network's goal to change and grow the state economy.

**The ACT is the only college entrance exam that provides an interest inventory to identify personally relevant career (educational and occupational) options, and predicts a student's success on WorkKeys assessments.** The career readiness indicator is significant because success on WorkKeys assessments allows students to earn a National Career Readiness Certificate (NCRC), which *Site Selection Magazine* identifies as one-third of the components that make up its workforce development rankings.

It would be my pleasure to answer any questions you might have about ACT can help your students succeed.

Thank you for your service.

**Stephanie Chavis Guillory**  
Director

**State Government Relations**  
500 ACT Dr. | Iowa City, Iowa 52243-0168  
mobile 225.288.0606  
[stephanie.guillory@act.org](mailto:stephanie.guillory@act.org) | [www.ACT.org](http://www.ACT.org)



21.0048.02001

**FIRST ENGROSSMENT**

Sixty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2141**

Introduced by

Senators Schaible, Davison

Representatives Heinert, Pyle

1 A BILL for an Act to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4,  
2 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota  
3 Century Code, relating to student assessment scores and vendor references; to repeal section  
4 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a  
5 superintendent of public instruction study; and to provide for a legislative management report.

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

7 **SECTION 1. AMENDMENT.** Section 15-62.5-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15-62.5-01. Scholars program.**

10 The state board of higher education shall administer the scholars program for the purpose  
11 of providing a merit-based scholarship to an individual who:

- 12 1. a. Graduated from a high school in this state;  
13 b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;  
14 c. Graduated from a nonpublic high school in a bordering state while residing with a  
15 custodial parent in this state; or  
16 d. Completed a program of home education supervised in accordance with chapter  
17 15.1-23;
- 18 2. On the ACT or an equivalent nationally recognized standardized test approved by the  
19 state board of higher education, achieved composite scores that ranked the individual  
20 at or above the ninety-fifth percentile among those who took the ACT or an equivalent  
21 nationally recognized standardized test approved by the state board of higher  
22 education, prior to July first in the calendar year preceding the individual's enrollment;
- 23 3. a. Is enrolled at an accredited institution of higher education in this state that offers  
24 a program of instruction equal to at least two academic years;



- 1           b. Because of a medically certifiable disability is enrolled at an accredited institution  
2           of higher education outside of this state that offers the individual special services  
3           or facilities not available in this state, provided the institution offers a program of  
4           instruction equal to at least two academic years; and

- 5           4. Is pursuing a course of study determined by the board to be full-time.

6           **SECTION 2. AMENDMENT.** Section 15-62.5-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **15-62.5-03. Scholars program - Ranking and selection of recipients.**

- 9           1. The state board of higher education shall rank scholars program applicants by their  
10          ACT composite scores or equivalent scores on a nationally recognized standardized  
11          test approved by the state board of higher education.  
12          2. If two or more applicants have the same composite scores, they must be ranked by  
13          the numeric sum of their four scale scores on the ACT or equivalent scores on a  
14          nationally recognized standardized test approved by the state board of higher  
15          education.  
16          3. If two or more applicants have the same composite scores and the same numeric sum  
17          of the four scale scores, they must be ranked by the numeric sum of their English and  
18          mathematics scores.  
19          4. The state board of higher education may establish additional criteria to rank applicants  
20          who have the same numeric sum of their English and mathematics scores.  
21          5. Scholarships must be offered to applicants in descending order according to this  
22          ranking until available funds have been expended or until the pool of applicants has  
23          been exhausted.

24          **SECTION 3. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26          **15.1-21-02.4. North Dakota career and technical education scholarship. (Effective**  
27 **through July 31, 2021)**

28          Any resident student who graduates from a high school during or after the 2010-11 school  
29          year and any resident student who completes a program of home education supervised in  
30          accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
31          North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6                science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9                (2) One unit of chemistry; and  
10            (3) One unit of physics; or  
11            b. (1) One unit of biology;  
12                (2) One unit of physical science; and  
13                (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15            a. One unit of United States history;  
16            b. (1) One-half unit of United States government and one-half unit of economics;  
17                or  
18                (2) One unit of problems of democracy; and  
19            c. One unit or two one-half units of any other social studies, which may include  
20                civics, civilization, geography and history, multicultural studies, North Dakota  
21                studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23            b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25            a. One unit selected from:  
26                (1) Foreign languages;  
27                (2) Native American languages;  
28                (3) American sign language;  
29                (4) Fine arts; or  
30                (5) Career and technical education courses; and

- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction. The education pathway must consist of two units in teaching
- 5           profession and educational methodology and at least one additional unit in
- 6           advanced placement or dual-credit psychology, child development, peer-to-peer
- 7           leadership, or child-related careers;
- 8        7. Completed any five additional units, two of which must be in the area of career and
- 9           technical education;
- 10       8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 11           scale, as determined by the superintendent of public instruction, based on
- 12           all high school units in which the student was enrolled; and
- 13           (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 14        b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 15           scale, as determined by the superintendent of public instruction, based only
- 16           on the units required by subsections 1 through 7; and
- 17           (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 18        9. Received:
- 19           a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 20           nationally recognized standardized test approved by the state board of higher
- 21           education; or
- 22           b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 23           score on a nationally recognized standardized test, recommended by the
- 24           department of career and technical education and approved by the
- 25           superintendent of public instruction.

**North Dakota career and technical education scholarship. (Effective after July 31, 2021)**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6            science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9            (2) One unit of chemistry; and  
10           (3) One unit of physics; or  
11           b. (1) One unit of biology;  
12           (2) One unit of physical science; and  
13           (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15           a. One unit of United States history;  
16           b. (1) One-half unit of United States government and one-half unit of economics;  
17           or  
18           (2) One unit of problems of democracy; and  
19           c. One unit or two one-half units of any other social studies, which may include  
20           civics, civilization, geography and history, multicultural studies, North Dakota  
21           studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23           b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25           a. One unit selected from:  
26           (1) Foreign languages;  
27           (2) Native American languages;  
28           (3) American sign language;  
29           (4) Fine arts; or  
30           (5) Career and technical education courses; and

- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction which may be governed by rules adopted by the superintendent of
- 5           public instruction;
- 6       7. Completed any five additional units, two of which must be in the area of career and
- 7       technical education;
- 8       8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 9           scale, as determined by the superintendent of public instruction, based on
- 10          all high school units in which the student was enrolled; and
- 11          (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 12       b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 13           scale, as determined by the superintendent of public instruction, based only
- 14           on the units required by subsections 1 through 7; and
- 15          (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 16       9. Received:
- 17       a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 18           nationally recognized standardized test approved by the state board of higher
- 19           education; or
- 20       b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 21           score on a nationally recognized standardized test, recommended by the
- 22           department of career and technical education and approved by the
- 23           superintendent of public instruction.

24       **SECTION 4. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-02.5. North Dakota academic scholarship.**

27       Any resident student who graduates from a high school during or after the 2010-11 school  
28 year and any resident student who completes a program of home education supervised in  
29 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
30 North Dakota academic scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction;  
5            b. One unit of mathematics for which algebra II, as defined by the superintendent of  
6                public instruction, is a prerequisite; and  
7            c. One unit of any other mathematics, which may include computer science;
- 8        3. Completed three units of science, consisting of:  
9            a. (1) One unit of biology;  
10                (2) One unit of chemistry; and  
11                (3) One unit of physics; or  
12            b. (1) One unit of biology;  
13                (2) One unit of physical science; and  
14                (3) One unit or two one-half units of any other science;
- 15        4. Completed three units of social studies, including:  
16            a. One unit of United States history;  
17            b. (1) One-half unit of United States government and one-half unit of economics;  
18                or  
19                (2) One unit of problems of democracy; and  
20            c. One unit or two one-half units of any other social studies, which may include  
21                civics, civilization, geography and history, multicultural studies, North Dakota  
22                studies, psychology, sociology, and world history;
- 23        5. a. Completed one unit of physical education; or  
24            b. One-half unit of physical education and one-half unit of health;
- 25        6. a. Completed two units of:  
26                (1) The same foreign language;  
27                (2) The same native American language;  
28                (3) American sign language; or  
29                (4) Career and technical education from a coordinated plan of study  
30                        recommended by the department of career and technical education and  
31                        approved by the superintendent of public instruction or an education

1 pathway, approved by the superintendent of public instruction. The  
2 education pathway must consist of two units in teaching profession and  
3 educational methodology and at least one additional unit in advanced  
4 placement or dual-credit psychology, child development, peer-to-peer  
5 leadership, or child-related careers; and

6 b. One unit selected from:

- 7 (1) Foreign languages;  
8 (2) Native American languages;  
9 (3) American sign language;  
10 (4) Fine arts; or  
11 (5) Career and technical education;

12 7. Completed any five additional units;

13 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
14 scale, as determined by the superintendent of public instruction, based on  
15 all high school units in which the student was enrolled; and

16 (2) Obtained a grade of at least "C" in each unit or one-half unit; or

17 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
18 scale, as determined by the superintendent of public instruction, based only  
19 on the units required by subsections 1 through 7; and

20 (2) Obtained a grade of at least "C" in each unit or one-half unit;

21 9. Received a composite score of at least twenty-four on an ACT or an equivalent score  
22 on a nationally recognized standardized test approved by the state board of higher  
23 education; and

24 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means  
25 of an advanced placement course and examination;

26 b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by  
27 completion, through an early entrance program, of a nonremedial postsecondary  
28 course offered for credit at an accredited institution of higher education which has  
29 a physical presence in this state; or

30 c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by  
31 means of a dual-credit course.

1       **SECTION 5. AMENDMENT.** Section 15.1-21-02.7 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school**  
4 **graduates.**

- 5       1. Except as provided in subsection 3, any resident student who graduates from a high  
6 school during the 2009-10 school year is eligible to receive a North Dakota academic  
7 scholarship, provided the student is certified by the superintendent of public instruction  
8 as having obtained a composite score of at least twenty-four on an ACT or an  
9 equivalent score on a nationally recognized standardized test approved by the state  
10 board of higher education.
- 11       2. Except as provided in subsection 3, any resident student who graduates from a high  
12 school during the 2009-10 school year is eligible to receive a North Dakota technical  
13 scholarship, provided the student is certified by the superintendent of public instruction  
14 as having obtained:
  - 15       a. A composite score of at least twenty-four on an ACT or an equivalent score on a  
16 nationally recognized standardized test approved by the state board of higher  
17 education; or
  - 18       b. A score of at least five on each of three WorkKeys assessments or an equivalent  
19 score on a nationally recognized standardized test, recommended by the  
20 department of career and technical education and approved by the  
21 superintendent of public instruction.
- 22       3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may  
23 not receive a scholarship under both subsections.

24       **SECTION 6. AMENDMENT.** Section 15.1-21-08.1 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.**

- 27       1. A student's parent may direct the school district in which the student is enrolled not to  
28 administer to the student any state test or state assessment required in accordance  
29 with section 15.1-21-08.
- 30       2. In addition to the authority granted under subsection 1, a student's parent may direct  
31 that the school district in which the student is enrolled not administer any other specific



- 1 test or assessment to the student, except a parental directive under this subsection  
2 does not apply to:
- 3 a. Any test or assessment required by the student's school district of enrollment or  
4 this state for the completion of any grade from kindergarten through twelve; or  
5 b. Any test or assessment required by the student's school district of enrollment or  
6 this state for high school graduation;  
7 ~~e. The ACT; or~~  
8 ~~d. WorkKeys assessments.~~
- 9 3. a. A parental directive is valid only if it is presented to the school district using a  
10 standardized form, prepared by the superintendent of public instruction, and  
11 signed by the student's custodial parent.  
12 b. A parental directive is valid only until the conclusion of the school year in which it  
13 is received by the school district.  
14 c. A parental directive submitted to a school district in accordance with this section  
15 must be retained as part of the student's educational record.
- 16 4. A school district is not liable for any consequences incurred by a student as a result of  
17 a parental directive submitted in accordance with this section.
- 18 5. A school district is not required to provide instruction or activities for a student during  
19 the administration of any test or assessment referenced in the parental directive  
20 submitted by the student's parent.
- 21 6. Each school district shall post the parental directive form on its website and make the  
22 form available to a parent, upon request.
- 23 7. At the time and in the manner directed by the superintendent of public instruction,  
24 each school district shall provide a report regarding:  
25 a. The number of parental directives received;  
26 b. The number of parental directives applicable to students who are economically  
27 disadvantaged, students from major racial and ethnic groups, students with  
28 disabilities, and students with limited English proficiency; and  
29 c. Any loss of funding stemming from the parental directives.

30 **SECTION 7. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is  
31 amended and reenacted as follows:

**15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

1. Except as otherwise provided, each public and nonpublic school student in grade eleven ~~shall~~may take the:

a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; ~~or three~~

b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. ~~The student shall determine which summative assessment to take.~~

2. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.

~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

~~3.~~ A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

~~4.~~ At the time and in the manner determined by the superintendent of public instruction, each school district superintendent and each school administrator in the case of a nonpublic school shall report the number of eleventh grade students who:

a. Took the ACT, including the writing test;

b. Took the three WorkKeys assessments; and

c. Were exempted from the requirements of this section, together with the reason for each exemption.

**SECTION 8. AMENDMENT.** Section 15.1-21-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-20. Summative assessment - General educational development diploma - Selection - Cost.**

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the:

1           a. The ACT or an equivalent nationally recognized standardized test approved by  
2           the state board of higher education; or three

3           b. Three WorkKeys assessments or an equivalent nationally recognized  
4           standardized test, recommended by the department of career and technical  
5           education and approved by the superintendent of public instruction. ~~The student~~  
6           ~~shall determine which summative assessment to take.~~

7       2. ~~The school district in which the student resides at the time the student takes the~~  
8           ~~summative assessment~~ superintendent of public instruction is responsible for the cost  
9           of one summative assessment and its administration per student.

10       ~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to  
11           review the student's assessment results.

12       ~~3.4.~~ This section is applicable only to a student who has not reached the age of twenty-one  
13           before August first of the year of enrollment.

14       **SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

15       **SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM**

16       **EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the

17       2021-22 interim, the superintendent of public instruction shall study interim education

18       assessment systems. The study must include consultation and collaboration with education

19       stakeholders and the kindergarten through grade twelve education coordination council. The

20       study also must include an evaluation and review of existing vendors, data standardization,

21       statewide longitudinal data system compatibility, the costs associated with the interim

22       assessment systems, and the benefits of local and statewide interim assessment systems.

23       Before June 1, 2022, the superintendent of public instruction shall report the findings and

24       recommendations of the study, including with any proposed legislation necessary to implement

25       the recommendations, to the legislative management.

21.0048.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Heinert  
March 5, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2141

Page 11, line 9, after the overstruck period insert:

"2."

Page 11, line 9, remove the overstrike over "~~The superintendent of~~"

Page 11, line 10, remove the overstrike over "~~public instruction is responsible for the cost of~~"

Page 11, line 10, remove the overstrike over "~~one~~"

Page 11, remove the overstrike over line 11

Page 11, line 12, overstrike "2." and insert immediately thereafter "3."

Page 12, line 6, after the overstruck period insert:

"2."

Page 12, line 6, remove the overstrike over "~~The~~"

Page 12, line 8, after "~~assessment~~" insert "superintendent of public instruction"

Page 12, line 8, remove the overstrike over "~~is responsible for the cost of one summative-~~  
~~assessment~~"

Page 12, line 9, remove the overstrike over "~~per student.~~"

Page 12, line 10, overstrike "2." and insert immediately thereafter "3."

Page 12, line 12, overstrike "3." and insert immediately thereafter "4."

Renumber accordingly

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

SB 2141  
3/10/2021

Relating to student assessment scores and vendor references; relating to interim assessments; to provide for a superintendent of public instruction study; to provide for a legislative management study

**Chairman Owens** called the meeting to order at 9:15 AM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Pyle, Richter, Zubke, Guggisberg and Hager present. Rep. Marschall was absent.

**Discussion Topics:**

- Markup version of 21.0048.02001, #8359
- Proposed amendment 21.0048.02001, #8360

**Rep. Heinert** moved to adopt amendment .02001, seconded by **Rep. Johnson**. Discussion on holding for more clarification. **Motion withdrawn.**

**Written testimony:** None

**Chairman Owens** closed the meeting at 9:26 AM.

*Bev Monroe, Committee Clerk*

21.0048.02001

**FIRST ENGROSSMENT**

Sixty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2141**

Introduced by

Senators Schaible, Davison

Representatives Heinert, Pyle

1 A BILL for an Act to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4,  
2 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota  
3 Century Code, relating to student assessment scores and vendor references; to repeal section  
4 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a  
5 superintendent of public instruction study; and to provide for a legislative management report.

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

7 **SECTION 1. AMENDMENT.** Section 15-62.5-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15-62.5-01. Scholars program.**

10 The state board of higher education shall administer the scholars program for the purpose  
11 of providing a merit-based scholarship to an individual who:

- 12 1. a. Graduated from a high school in this state;  
13 b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;  
14 c. Graduated from a nonpublic high school in a bordering state while residing with a  
15 custodial parent in this state; or  
16 d. Completed a program of home education supervised in accordance with chapter  
17 15.1-23;
- 18 2. On the ACT or an equivalent nationally recognized standardized test approved by the  
19 state board of higher education, achieved composite scores that ranked the individual  
20 at or above the ninety-fifth percentile among those who took the ACT or an equivalent  
21 nationally recognized standardized test approved by the state board of higher  
22 education, prior to July first in the calendar year preceding the individual's enrollment;
- 23 3. a. Is enrolled at an accredited institution of higher education in this state that offers  
24 a program of instruction equal to at least two academic years;

- 1           b. Because of a medically certifiable disability is enrolled at an accredited institution  
2           of higher education outside of this state that offers the individual special services  
3           or facilities not available in this state, provided the institution offers a program of  
4           instruction equal to at least two academic years; and

- 5           4. Is pursuing a course of study determined by the board to be full-time.

6           **SECTION 2. AMENDMENT.** Section 15-62.5-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **15-62.5-03. Scholars program - Ranking and selection of recipients.**

- 9           1. The state board of higher education shall rank scholars program applicants by their  
10          ACT composite scores or equivalent scores on a nationally recognized standardized  
11          test approved by the state board of higher education.  
12          2. If two or more applicants have the same composite scores, they must be ranked by  
13          the numeric sum of their four scale scores on the ACT or equivalent scores on a  
14          nationally recognized standardized test approved by the state board of higher  
15          education.  
16          3. If two or more applicants have the same composite scores and the same numeric sum  
17          of the four scale scores, they must be ranked by the numeric sum of their English and  
18          mathematics scores.  
19          4. The state board of higher education may establish additional criteria to rank applicants  
20          who have the same numeric sum of their English and mathematics scores.  
21          5. Scholarships must be offered to applicants in descending order according to this  
22          ranking until available funds have been expended or until the pool of applicants has  
23          been exhausted.

24          **SECTION 3. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26          **15.1-21-02.4. North Dakota career and technical education scholarship. (Effective**  
27 **through July 31, 2021)**

28          Any resident student who graduates from a high school during or after the 2010-11 school  
29          year and any resident student who completes a program of home education supervised in  
30          accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
31          North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6                science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9                (2) One unit of chemistry; and  
10            (3) One unit of physics; or  
11            b. (1) One unit of biology;  
12                (2) One unit of physical science; and  
13                (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15            a. One unit of United States history;  
16            b. (1) One-half unit of United States government and one-half unit of economics;  
17                or  
18                (2) One unit of problems of democracy; and  
19            c. One unit or two one-half units of any other social studies, which may include  
20                civics, civilization, geography and history, multicultural studies, North Dakota  
21                studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23            b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25            a. One unit selected from:  
26                (1) Foreign languages;  
27                (2) Native American languages;  
28                (3) American sign language;  
29                (4) Fine arts; or  
30                (5) Career and technical education courses; and



- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction. The education pathway must consist of two units in teaching
- 5           profession and educational methodology and at least one additional unit in
- 6           advanced placement or dual-credit psychology, child development, peer-to-peer
- 7           leadership, or child-related careers;
- 8       7. Completed any five additional units, two of which must be in the area of career and
- 9       technical education;
- 10      8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 11           scale, as determined by the superintendent of public instruction, based on
- 12           all high school units in which the student was enrolled; and
- 13           (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 14      b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 15           scale, as determined by the superintendent of public instruction, based only
- 16           on the units required by subsections 1 through 7; and
- 17           (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 18      9. Received:
- 19          a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 20           nationally recognized standardized test approved by the state board of higher
- 21           education; or
- 22          b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 23           score on a nationally recognized standardized test, recommended by the
- 24           department of career and technical education and approved by the
- 25           superintendent of public instruction.

**North Dakota career and technical education scholarship. (Effective after July 31, 2021)**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

- 1        1. Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2. Completed three units of mathematics, including:  
4            a. One unit of algebra II, as defined by the superintendent of public instruction; and  
5            b. Two units of any other mathematics, which may include one unit of computer  
6                science;
- 7        3. Completed three units of science, consisting of:  
8            a. (1) One unit of biology;  
9                (2) One unit of chemistry; and  
10            (3) One unit of physics; or  
11            b. (1) One unit of biology;  
12                (2) One unit of physical science; and  
13                (3) One unit or two one-half units of any other science;
- 14       4. Completed three units of social studies, including:  
15            a. One unit of United States history;  
16            b. (1) One-half unit of United States government and one-half unit of economics;  
17                or  
18                (2) One unit of problems of democracy; and  
19            c. One unit or two one-half units of any other social studies, which may include  
20                civics, civilization, geography and history, multicultural studies, North Dakota  
21                studies, psychology, sociology, and world history;
- 22       5. a. Completed one unit of physical education; or  
23            b. One-half unit of physical education and one-half unit of health;
- 24       6. Completed:  
25            a. One unit selected from:  
26                (1) Foreign languages;  
27                (2) Native American languages;  
28                (3) American sign language;  
29                (4) Fine arts; or  
30                (5) Career and technical education courses; and

- 1           b. Two units of a coordinated plan of study recommended by the department of
- 2           career and technical education and approved by the superintendent of public
- 3           instruction or an education pathway approved by the superintendent of public
- 4           instruction which may be governed by rules adopted by the superintendent of
- 5           public instruction;
- 6       7. Completed any five additional units, two of which must be in the area of career and
- 7       technical education;
- 8       8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 9           scale, as determined by the superintendent of public instruction, based on
- 10          all high school units in which the student was enrolled; and
- 11          (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 12       b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 13           scale, as determined by the superintendent of public instruction, based only
- 14           on the units required by subsections 1 through 7; and
- 15          (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 16       9. Received:
- 17       a. A composite score of at least twenty-four on an ACT or an equivalent score on a
- 18           nationally recognized standardized test approved by the state board of higher
- 19           education; or
- 20       b. A score of at least five on each of three WorkKeys assessments or an equivalent
- 21           score on a nationally recognized standardized test, recommended by the
- 22           department of career and technical education and approved by the
- 23           superintendent of public instruction.

24       **SECTION 4. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-02.5. North Dakota academic scholarship.**

27       Any resident student who graduates from a high school during or after the 2010-11 school  
28 year and any resident student who completes a program of home education supervised in  
29 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a  
30 North Dakota academic scholarship provided the student:

- 1        1.    Completed four units of English language arts from a sequence that includes literature,  
2            composition, and speech;
- 3        2.    Completed three units of mathematics, including:  
4            a.    One unit of algebra II, as defined by the superintendent of public instruction;  
5            b.    One unit of mathematics for which algebra II, as defined by the superintendent of  
6                public instruction, is a prerequisite; and  
7            c.    One unit of any other mathematics, which may include computer science;
- 8        3.    Completed three units of science, consisting of:  
9            a.    (1)   One unit of biology;  
10                (2)   One unit of chemistry; and  
11                (3)   One unit of physics; or  
12            b.    (1)   One unit of biology;  
13                (2)   One unit of physical science; and  
14                (3)   One unit or two one-half units of any other science;
- 15       4.    Completed three units of social studies, including:  
16            a.    One unit of United States history;  
17            b.    (1)   One-half unit of United States government and one-half unit of economics;  
18                or  
19                (2)   One unit of problems of democracy; and  
20            c.    One unit or two one-half units of any other social studies, which may include  
21                civics, civilization, geography and history, multicultural studies, North Dakota  
22                studies, psychology, sociology, and world history;
- 23       5.    a.    Completed one unit of physical education; or  
24            b.    One-half unit of physical education and one-half unit of health;
- 25       6.    a.    Completed two units of:  
26                (1)   The same foreign language;  
27                (2)   The same native American language;  
28                (3)   American sign language; or  
29                (4)   Career and technical education from a coordinated plan of study  
30                recommended by the department of career and technical education and  
31                approved by the superintendent of public instruction or an education

1 pathway, approved by the superintendent of public instruction. The  
2 education pathway must consist of two units in teaching profession and  
3 educational methodology and at least one additional unit in advanced  
4 placement or dual-credit psychology, child development, peer-to-peer  
5 leadership, or child-related careers; and

6 b. One unit selected from:

- 7 (1) Foreign languages;  
8 (2) Native American languages;  
9 (3) American sign language;  
10 (4) Fine arts; or  
11 (5) Career and technical education;

12 7. Completed any five additional units;

13 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
14 scale, as determined by the superintendent of public instruction, based on  
15 all high school units in which the student was enrolled; and

16 (2) Obtained a grade of at least "C" in each unit or one-half unit; or

17 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
18 scale, as determined by the superintendent of public instruction, based only  
19 on the units required by subsections 1 through 7; and

20 (2) Obtained a grade of at least "C" in each unit or one-half unit;

21 9. Received a composite score of at least twenty-four on an ACT or an equivalent score  
22 on a nationally recognized standardized test approved by the state board of higher  
23 education; and

24 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means  
25 of an advanced placement course and examination;

26 b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by  
27 completion, through an early entrance program, of a nonremedial postsecondary  
28 course offered for credit at an accredited institution of higher education which has  
29 a physical presence in this state; or

30 c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by  
31 means of a dual-credit course.

1       **SECTION 5. AMENDMENT.** Section 15.1-21-02.7 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school**  
4 **graduates.**

- 5       1. Except as provided in subsection 3, any resident student who graduates from a high  
6 school during the 2009-10 school year is eligible to receive a North Dakota academic  
7 scholarship, provided the student is certified by the superintendent of public instruction  
8 as having obtained a composite score of at least twenty-four on an ACT or an  
9 equivalent score on a nationally recognized standardized test approved by the state  
10 board of higher education.
- 11       2. Except as provided in subsection 3, any resident student who graduates from a high  
12 school during the 2009-10 school year is eligible to receive a North Dakota technical  
13 scholarship, provided the student is certified by the superintendent of public instruction  
14 as having obtained:
  - 15       a. A composite score of at least twenty-four on an ACT or an equivalent score on a  
16 nationally recognized standardized test approved by the state board of higher  
17 education; or
  - 18       b. A score of at least five on each of three WorkKeys assessments or an equivalent  
19 score on a nationally recognized standardized test, recommended by the  
20 department of career and technical education and approved by the  
21 superintendent of public instruction.
- 22       3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may  
23 not receive a scholarship under both subsections.

24       **SECTION 6. AMENDMENT.** Section 15.1-21-08.1 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.**

- 27       1. A student's parent may direct the school district in which the student is enrolled not to  
28 administer to the student any state test or state assessment required in accordance  
29 with section 15.1-21-08.
- 30       2. In addition to the authority granted under subsection 1, a student's parent may direct  
31 that the school district in which the student is enrolled not administer any other specific

- 1 test or assessment to the student, except a parental directive under this subsection  
2 does not apply to:
- 3 a. Any test or assessment required by the student's school district of enrollment or  
4 this state for the completion of any grade from kindergarten through twelve; or  
5 b. Any test or assessment required by the student's school district of enrollment or  
6 this state for high school graduation;  
7 ~~e. The ACT; or~~  
8 ~~d. WorkKeys assessments.~~
- 9 3. a. A parental directive is valid only if it is presented to the school district using a  
10 standardized form, prepared by the superintendent of public instruction, and  
11 signed by the student's custodial parent.  
12 b. A parental directive is valid only until the conclusion of the school year in which it  
13 is received by the school district.  
14 c. A parental directive submitted to a school district in accordance with this section  
15 must be retained as part of the student's educational record.
- 16 4. A school district is not liable for any consequences incurred by a student as a result of  
17 a parental directive submitted in accordance with this section.
- 18 5. A school district is not required to provide instruction or activities for a student during  
19 the administration of any test or assessment referenced in the parental directive  
20 submitted by the student's parent.
- 21 6. Each school district shall post the parental directive form on its website and make the  
22 form available to a parent, upon request.
- 23 7. At the time and in the manner directed by the superintendent of public instruction,  
24 each school district shall provide a report regarding:  
25 a. The number of parental directives received;  
26 b. The number of parental directives applicable to students who are economically  
27 disadvantaged, students from major racial and ethnic groups, students with  
28 disabilities, and students with limited English proficiency; and  
29 c. Any loss of funding stemming from the parental directives.

30 **SECTION 7. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is  
31 amended and reenacted as follows:

**15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

1. Except as otherwise provided, each public and nonpublic school student in grade eleven ~~shall~~may take the:

a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; ~~or three~~

b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. ~~The student shall determine which summative assessment to take.~~

2. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.

~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

~~3.~~ A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

~~4.~~ At the time and in the manner determined by the superintendent of public instruction, each school district superintendent and each school administrator in the case of a nonpublic school shall report the number of eleventh grade students who:

a. Took the ACT, including the writing test;

b. Took the three WorkKeys assessments; and

c. Were exempted from the requirements of this section, together with the reason for each exemption.

**SECTION 8. AMENDMENT.** Section 15.1-21-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-20. Summative assessment - General educational development diploma - Selection - Cost.**

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the:



1           a. The ACT or an equivalent nationally recognized standardized test approved by  
2           the state board of higher education; or three

3           b. Three WorkKeys assessments or an equivalent nationally recognized  
4           standardized test, recommended by the department of career and technical  
5           education and approved by the superintendent of public instruction. ~~The student~~  
6           ~~shall determine which summative assessment to take.~~

7           2. ~~The school district in which the student resides at the time the student takes the~~  
8           ~~summative assessment~~ superintendent of public instruction is responsible for the cost  
9           of one summative assessment and its administration per student.

10          ~~2.3.~~ The student's career advisor or guidance counselor shall meet with the student to  
11          review the student's assessment results.

12          ~~3.4.~~ This section is applicable only to a student who has not reached the age of twenty-one  
13          before August first of the year of enrollment.

14          **SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

15          **SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM**

16          **EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the

17          2021-22 interim, the superintendent of public instruction shall study interim education

18          assessment systems. The study must include consultation and collaboration with education

19          stakeholders and the kindergarten through grade twelve education coordination council. The

20          study also must include an evaluation and review of existing vendors, data standardization,

21          statewide longitudinal data system compatibility, the costs associated with the interim

22          assessment systems, and the benefits of local and statewide interim assessment systems.

23          Before June 1, 2022, the superintendent of public instruction shall report the findings and

24          recommendations of the study, including with any proposed legislation necessary to implement

25          the recommendations, to the legislative management.

21.0048.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Heinert  
March 5, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2141

Page 11, line 9, after the overstruck period insert:

"2."

Page 11, line 9, remove the overstrike over "~~The superintendent of~~"

Page 11, line 10, remove the overstrike over "~~public instruction is responsible for the cost of~~"

Page 11, line 10, remove the overstrike over "~~one~~"

Page 11, remove the overstrike over line 11

Page 11, line 12, overstrike "2." and insert immediately thereafter "3."

Page 12, line 6, after the overstruck period insert:

"2."

Page 12, line 6, remove the overstrike over "~~The~~"

Page 12, line 8, after "assessment" insert "superintendent of public instruction"

Page 12, line 8, remove the overstrike over "~~is responsible for the cost of one summative-~~  
~~assessment~~"

Page 12, line 9, remove the overstrike over "~~per student.~~"

Page 12, line 10, overstrike "2." and insert immediately thereafter "3."

Page 12, line 12, overstrike "3." and insert immediately thereafter "4."

Renumber accordingly

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SB 2141  
3/16/2021

Relating to student assessment scores and vendor references; relating to interim assessments; to provide for a superintendent of public instruction study; to provide for a legislative management study

**Chairman Owens** opened the hearing at 10:20 AM. Roll call: Reps. Owens, Schreiber-Beck, Hauck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Zubke, Guggisberg and Hager present.

### Discussion Topics:

- Committee work

**Rep. Schreiber-Beck** motioned for a **Do Pass**, seconded by **Rep. Zubke**.

### Roll Call Vote:

Representatives	Vote
Representative Mark S. Owens	Y
Representative Cynthia Schreiber-Beck	Y
Representative Ron Guggisberg	Y
Representative LaurieBeth Hager	N
Representative Pat D. Heinert	Y
Representative Jeff A. Hoverson	Y
Representative Dennis Johnson	Y
Representative Mary Johnson	Y
Representative Donald Longmuir	Y
Representative Andrew Marschall	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Dori Hauck	Y
Representative Denton Zubke	Y

**Motion carried 13-1-0 Rep. M. Johnson** is the carrier.

**Additional written testimony:** None

**Chairman Owens** closed the hearing at 10:22 AM.

*Bev Monroe, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2141, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2141 was placed on the Fourteenth order on the calendar.