

ARTICLE 67-04
MILITARY INSTALLATIONS

Chapter 67-04-01 Appointment of School Board Members

CHAPTER 67-04-01
APPOINTMENT OF SCHOOL BOARD MEMBERS

Section 67-04-01-01 Appointment of School Board Members on Military Installation School District

67-04-01-01. Appointment of school board members on military installation school district.

1. The superintendent of public instruction shall invite the following persons living in a school district formed pursuant to the provisions of North Dakota Century Code section 15-27.5-01 to submit applications for appointment of school board members prior to March first of each year:
 - a. Active members of the military installation
 - b. Spouses of active members of the military installation
 - c. Retired members of the military installation whose permanent residence is located within the state and is no greater than twenty miles from the military installation
 - d. Spouses of retired members of the military installation whose permanent residence is located within the state and is no greater than twenty miles from the military installation.
2. The superintendent of public instruction shall ask applicants to provide information about their qualifications for and interest in an appointment to the school board, and such other information as the state board of public school education may require, in or attached to a letter of application. The information may be used by the superintendent of public instruction and the state board of public school education in their deliberations for appointment of school board members.
3. The superintendent of public instruction shall forward copies of the letters of application and any attachments to representatives of parent groups on the military installation and to the commander of the military installation for their review.
4. The representatives of parent groups shall submit recommendations regarding applicants for school board membership to the superintendent of public instruction and the commander of the military installation prior to April first.
5. After consulting with the commander of the military installation which has formed the school district about the appointments to be made that year, the superintendent of public instruction shall submit a list of recommended applicants, along with a list of all the applicants, and information obtained from the applicants and the commander of the military installation, to the state board of public school education.

6. The state board of public school education shall meet prior to May first of each year to consider approval of applicants for appointment of school board members from school districts formed on military installations.
7. Within fifteen days of the approval of applicants by the state board of public school education, the superintendent of public instruction shall announce the appointment of school board members for that year and the terms of the appointment for each member. The announcement of appointments must be made prior to May first of each year.
8. In making the initial appointment of school board members from newly formed school districts formed on military installations, if complying with the procedures in accordance with the date limitations of this section is an impossibility, the superintendent of public instruction and the state board of public school education shall comply with all of the procedures provided by this section in a reasonable manner, in spite of the date limitations.
9. An individual who serves on the board of a school district where they reside may not simultaneously be appointed to the board of a military installation.

History: Effective June 7, 1989; Amended effective October 1, 2023.

General Authority: NDCC 28-32-02, ~~15-27.5-02~~ 15.1-08-02.

Law Implemented: NDCC ~~15-27.5-01, 15-27.5-02~~ 15.1-08-02.

CHAPTER 67-11-20
CERTIFICATE OF COMPLETION FOR SPEECH-LANGUAGE PATHOLOGY PARAPROFESSIONALS

Section

67-11-20-01	Definitions
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67-11-20-01. Definitions.

For purposes of this chapter:

1. "Speech-language pathology paraprofessional" means an individual providing service as a paraprofessional who meets the requirements of this chapter and provides services authorized in this chapter in a school setting from early childhood through grade twelve.
2. "Supervising speech-language pathologist" means an individual who:
 - a. Supervises no more than two speech-language pathology paraprofessionals;
 - b. Holds a current restricted educator's professional license for speech-language pathology at the master's degree level issued by the North Dakota education standards and practices board or holds a current speech-language pathology license issued by the North Dakota state board of examiners on audiology and speech-language pathology; and
 - c. Has a minimum of one year of full-time experience providing speech-language pathology services since receiving the individual's license.

History: Effective December 1, 2003.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09, 43-37-03(4)

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09, 43-37-03(4); 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-02. Certificate of completion required.

Individuals providing speech-language pathology paraprofessional services in school settings from early childhood through grade twelve must hold the North Dakota certificate of completion for speech-language pathology paraprofessional or hold a current restricted educator's professional license for speech-language pathology at the master's degree level issued by the North Dakota education standards and practices board or a current speech-language pathology license issued by the North Dakota state board of examiners on audiology and speech-language pathology.

History: Effective December 1, 2003; amended effective October 1, 2023.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09, 43-37-03(4)

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09, 43-37-03(4); 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-03. Issuing agency.

The North Dakota certificate of completion for speech-language pathology paraprofessional is issued by the:

Superintendent of Public Instruction
Department of Public Instruction
600 East Boulevard Avenue, Dept. 201
Bismarck, ND 58505-0440

History: Effective December 1, 2003; amended effective October 1, 2023.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09; 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-04. Certificate of completion standards.

To obtain a certificate of completion for speech-language pathology paraprofessional, an individual must submit a completed application form and either qualify under one of the following levels:

1. ~~Have been employed as a speech-language pathology paraprofessional on or before October 1, 2003, and have both a bachelor's degree in speech-language pathology or communication disorders and at least one hundred clock hours of supervised field experience; or~~ Speech-language pathology paraprofessionals receiving a level 1 certificate must have one of the following:

~~2.~~

- a. ~~Have completed an~~ An associate's or bachelor's degree which includes incorporates:

- i. ~~a-~~Thirty hours of general college education including oral and written communication skills, mathematics, psychology, and the biological and health sciences;
- ii. ~~b-~~ Thirty hours of college education in the area of speech-language pathology, including classes in anatomy, physiology of speech, language, swallowing and hearing mechanisms, communication development, introduction of clinical processes, and fundamentals of human behavior management; and
- iii. ~~c-~~ A minimum of one hundred clock-hours of fieldwork experience which is supervised by a qualified speech-language pathologist;

- b. Currently hold a certification or licensure:

- i. As a speech-language pathology assistant issued by the American Speech-Language-Hearing Association, or

- ii. Equivalent to the requirements in subdivision a of subsection 1 issued by another state.

2. Speech-language pathology paraprofessionals receiving a level 2 certificate must have one of the following:

- a. A bachelor's degree in communication sciences and disorders or its equivalency. In addition, a transcribable practicum minimum of one hundred clock-hours of fieldwork experience that is supervised by a licensed speech-language pathologist; or
- b. Currently hold a license from the North Dakota state board of examiners on audiology and speech-language pathology as a speech-language pathology licensed assistant or equivalent certification or licensure that meets the requirements of subdivision a of subsection 2 issued by another state.

All speech-language pathology paraprofessional certificates that are valid on October 1, 2023 will be converted to a Level 1 certificate. Individuals wishing to upgrade to a level 2 certificate must complete an application form as described in this section.

History: Effective December 1, 2003; amended effective October 1, 2023.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09; 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-05. Speech-language pathology paraprofessional services.

- 1. Speech-language pathology paraprofessionals may only provide speech-language pathology paraprofessional services under the direct control of a supervising speech-language pathologist.
- 2. A level 1 speech-language pathology paraprofessional may:
 - a. Provide speech-language screenings, without interpretation, following specified screening protocols developed by the supervising speech-language pathologist;
 - b. Perform documented tasks developed by the supervising speech-language pathologist;
 - c. Document students' progress toward meeting objectives and report this information to the supervising speech-language pathologist; and
 - d. Prepare materials, perform scheduling, and maintain space or equipment.
- 3. A level 2 speech-language pathology paraprofessional may:
 - a. Provide all services that a level 1 speech-language pathology paraprofessional may provide, as described in subsection 2 of this section;

- b. Assist the supervising speech-language pathologist with regulatory paperwork as directed.

4.A level 1 or 2 speech-language pathology paraprofessional may not:

- c. Make independent decisions regarding changes on the student's individual program;
- d. Perform standardized or nonstandardized diagnostic tests, formal or informal evaluations, or interpret test results;
- e. Take referrals or dismiss students from a caseload;
- f. Participate in conferences or other multidisciplinary team meetings without the presence of the supervising speech-language pathologist;
- g. Disclose confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;
- h. Provide counseling to the student or family regarding a communication disorder;
- i. Prepare or sign any formal documentation, including an individualized education program or an assessment plan as a supervising speech-language pathologist;
- j. Maintain the person's own caseload.

History: Effective December 1, 2003; amended effective October 1, 2023.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09; 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-06. Reconsideration.

If an application for a certificate of completion for speech-language pathology paraprofessional ~~certificate of completion~~ is denied, the applicant will must be notified of the opportunity for reconsideration. Upon receipt of a written denial, the applicant may request a reconsideration of the denial. A request for reconsideration must be in writing and must be received by the superintendent of public instruction within twenty-one days of the date the denial was mailed to the applicant by the superintendent of public instruction. Untimely requests will may not be considered. The request for reconsideration must discuss:

1. The fact, law, or rule the applicant believes was erroneously interpreted or applied; and
2. The applicant's arguments on how the fact, law, or rule should have been applied, giving specific reasons and a thorough analysis.

The superintendent of public instruction will issue a final written response on the reconsideration request within twenty-one days after receiving a complete and timely reconsideration request. If the superintendent's written response denies the reconsideration request, the superintendent's written response must notify the applicant of the applicant's right to a hearing conducted pursuant to North Dakota Century Code chapter 28-32. The applicant shall request the hearing within thirty days.

History: Effective December 1, 2003; amended effective October 1, 2023.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09; 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

67-11-20-07. Use of federal rules and policies.

Unless otherwise specified in this chapter, applicable federal law and program regulations govern speech-language pathology paraprofessionals.

History: Effective December 1, 2003.

General Authority: NDCC 15.1-02-11, 15.1-02-16, 15.1-32-02, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-02, 15.1-32-09; 20 USC 1412(a)(15); 20 USC 6319(c)-(f); 34 CFR 200.58

ARTICLE 67-13
SCHOOL DISTRICT COOPERATIVE AGREEMENTS

Chapter 67-13-01 School District Cooperative Agreements

CHAPTER 67-13-01
SCHOOL DISTRICT COOPERATIVE AGREEMENTS

Section

67-13-01-01	Purpose
67-13-01-02	Approval
67-13-01-03	Withdrawal
67-13-01-04	School Districts
67-13-01-05	Cooperative Program
67-13-01-06	Agreements
67-13-01-07	Cost-Sharing Reimbursement

67-13-01-01. Purpose.

School districts cooperating with another school district or districts for the purpose of providing joint educational opportunities to the students as established by North Dakota Century Code section 15.1-27-16 may receive additional per student payments as provided in North Dakota Century Code section 15.1-27-16.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-02. Approval.

Cooperative agreements of education must first receive the approval of the superintendent of public instruction and shall be effective beginning July first of the year approved, upon the approval of the school boards of the member districts. The agreement may be changed only by a majority vote of each board signing the agreement and the approval of the department of public instruction. Any change to the agreement requires submission to and approval from the superintendent of public instruction prior to the change becoming effective.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-03. Withdrawal.

Any district wishing to withdraw from the cooperative agreement must submit its intent to the other cooperative members in writing by January fifteenth. Withdrawal will become effective June thirtieth of the same year. The superintendent of public instruction must be notified in writing thirty days prior to the termination of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-04. School districts.

Cooperating school districts must agree to equitably share expenses of the cooperative agreement, to inventory all equipment used by the cooperative, and to provide appropriate transportation.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16 67-13-01-05.

Cooperative program.

The school district cooperative or special education units must address the following:

1. A plan for sharing administration, at a minimum a shared superintendent, ~~or~~ special education director, or business manager unless the school district has taxable property located in the same city as the other school district under the cooperative plan;
2. A plan for sharing cooperative expenditures between the member districts or special education units;
3. A plan for sharing cooperative or unit revenues upon termination of the agreement; and
4. A plan for the changing of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018; January 1, 2020; April 1, 2022; October 1, 2023. **General Authority:** NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-06. Agreements.

The following areas must be discussed with hopes of arriving at written agreements. However, written agreements are not required for:

1. Identification of the location of education and grade level services programs;
2. Provisions for curriculum integration;
3. Site utilization regarding partial usage or closure;
4. Provision for sharing of extracurricular activities; and
5. The number and timely manner in which the school boards will meet jointly during the duration of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-07. Cost-sharing reimbursement.

To be eligible to be reimbursed for a cost-sharing agreement, school districts or special education units must:

1. Share a superintendent, ~~or~~ special education administrator, ~~and~~ or business manager;
2. Demonstrate a cost-savings by sharing central office personnel; and
3. Indicate the percentage of time the superintendent or special education administrator and business manager are assigned to each district or unit.

History: Effective April 1, 2022; amended effective October 1, 2023.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

CHAPTER 67-19-04
EDUCATIONAL OPPORTUNITIES WITH SPONSORING ENTITIES

Section

67-19-04-01	Local Policy
67-19-04-02	Creation of Proposal
67-19-04-03	Submission of Proposal
67-19-04-04	Review and Approval of Proposals <u>[Repealed]</u>
67-19-04-05	Program Evaluation Data
67-19-04-06	Revocation of Proposal

67-19-04-01. Local policy.

In order to provide educational opportunities through sponsoring entities, boards of school districts and governing boards of nonpublic schools shall adopt a local policy in accordance with North Dakota Century Code section 15.1-07-35.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

67-19-04-02. Creation of proposal.

Any proposal submitted by an eligible sponsoring entity to a board of a school district or governing board of a nonpublic school under subsection 5 of North Dakota Century Code section 15.1-07-35 must include:

1. The name and information of the sponsoring entity;
2. The course title for each course provided by the sponsoring entity;
3. The state course code number for each course provided by the sponsoring entity;
4. A teacher of record who is employed by the school district or nonpublic school, is licensed under North Dakota Century Code chapter 15.1-18, and has approved the proposal;
5. An assurance that courses meet course content standards, as determined by the superintendent of public instruction; and
6. The statement of how students will demonstrate proficiency and how students will be evaluated.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

67-19-04-03. ~~Submission of proposal~~ Notification of Department.

- ~~1. Because of the dual nature of the kindergarten through grade twelve education coordination council review and department of public instruction approval, the department will act as a liaison between the schools and the kindergarten through grade twelve education coordination council. Proposals approved by the board of a school district or governing board of a nonpublic school must be submitted to the following address:~~

North Dakota Department of Public Instruction
Attn: North Dakota K-12 Education Coordination Council
600 East Boulevard Avenue, Department 201
Bismarck, ND 58505-0440
ndk12ecc@nd.gov

- ~~2. For educational opportunities, proposals must be submitted to the director of the office of school approval and opportunity a minimum of ninety days before the beginning of instruction.~~
- ~~3. All proposals must include the local policy and the school board meeting minutes documenting the adoption of the local policy and the approval of the proposal from the sponsoring entity.~~
- ~~4. Upon receiving the proposal, the director of the office of school approval and opportunity shall submit the proposal to the president of the kindergarten through grade twelve education coordination council for review.~~

A school district or non-public school that has approved a proposal from a sponsoring entity under this chapter shall notify the superintendent of public instruction within 30 days of approval.

History: Effective January 1, 2022; amended effective January 1, 2023, October 1, 2023.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

67-19-04-04. Review and approval of proposals.

- ~~1. Within thirty days of receiving the proposal, the superintendent of public instruction shall provide the members of the kindergarten through grade twelve education coordination council with the opportunity to review the proposal to ensure compliance with section 67-19-04-02. Members of the kindergarten through grade twelve education coordination council may provide feedback to the superintendent of public instruction.~~
- ~~2. Following review by the kindergarten through grade twelve education coordination council, the superintendent of public instruction shall approve or deny the proposal, in accordance with subsection 6 of North Dakota Century Code section 15.1-07-35.~~
- ~~3. In accordance with subsection 6 of North Dakota Century Code section 15.1-07-35, the department of public instruction shall notify boards of school districts and governing boards of nonpublic schools of their approval status.~~

History: Effective January 1, 2022; amended effective January 1, 2023.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

Repealed effective October 1, 2023.

67-19-04-05. Program evaluation data.

No later than June thirtieth of each school year, school districts or nonpublic schools providing educational opportunities with sponsoring entities shall provide program evaluation data to the superintendent of public instruction. Program evaluation data submitted may include:

1. Academic indicators, such as:
 - a. Proficiency scales;

- b. Self-assessments;
 - c. Assessments from supervisor;
 - d. Career-ready standards met; and
 - e. Content standards met;
2. Descriptions of how the program:
 - a. Improved the delivery of education;
 - b. Improved the administration of education;
 - c. Provided increased education opportunities for students; and
 - d. Improved the academic success for students; and
3. Other evaluation measures, such as attendance, disciplinary incidents, student engagement, student voice, student and parent surveys, and evidence of improved instructional practices.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

67-19-04-06. Revocation of proposal.

1. If program evaluation data indicates that a proposal is not providing success for students, the superintendent of public instruction may:
 - a. Make recommendations for improvement; or
 - b. Revoke the ~~proposal program~~.
2. If the superintendent of public instruction revokes a proposal as authorized in subsection ~~10 8~~ of North Dakota Century Code section 15.1-07-35, school districts and nonpublic schools must be allowed to revise and ~~resubmit~~ submit their proposal to the department for ~~approval~~ reinstatement. The department shall notify school districts and nonpublic schools of their resubmission status within thirty days of resubmission.

History: Effective January 1, 2022; amended October 1, 2023.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-07-35

ARTICLE 67-33
INTERIM ASSESSMENT

Chapter
67-33-01 State-Approved Interim Assessment List

CHAPTER 67-33-01
STATE-APPROVED INTERIM ASSESSMENT LIST

Section
67-33-01-01 Definitions
67-33-01-02 Selection and Approval Criteria
67-33-01-03 Selection and Approval Process
67-33-01-04 List Creation, Maintenance, and Tracking

67-33-01-01. Definitions

1. “State-approved List”, for purpose of this chapter, means a list of vendors who administer interim assessments and meet the selection and approval criteria created by the superintendent of public instruction.
2. “Interim Assessment” means assessments administered during instruction to evaluate students’ knowledge and skills relative to North Dakota educational content standards to inform policymaker or educator decisions at classroom, school, or district level.

History: Effective October 1, 2023

General Authority: NDCC 15.1-21-17.1, 28-32-02

Law Implemented: NDCC 15.1-21-17.1

67-33-01-02. Selection and Approval Criteria

Any interim assessment vendor serving public school districts must meet the following criteria to be selected as a state-approved interim assessment vendor and placed on the state-approved interim assessment list. It is a shared responsibility between the interim assessment vendor and the school district to ensure that all kindergarten through tenth grade interim assessment data are being shared with the state longitudinal data system.

1. Interim assessment vendors must electronically share assessment data with the statewide longitudinal data system within 30 days of administering the assessments and in a format compatible with the state longitudinal data system. Interim assessment data sharing can occur in two different ways:
 - a. The vendor shares a statewide file with the state for use in the statewide longitudinal data system that consists of all school districts in the state that they serve. The data sharing agreement would allow access to that school district’s portion of the state file.
 - b. The vendor shares individual school district files with the state for use in the statewide longitudinal data system.
2. Interim assessment vendors must disclose if any large-scale student data breaches, related to their interim assessment products, have taken place in the previous three years. If there has been a large-scale data breach in the previous three years, the

- interim assessment vendor must explain the severity, number of students involved, and if any North Dakota schools or students were involved.
3. The interim assessment vendor must adhere to all state and federal student data privacy laws.
 4. Interim assessment vendors must make training and support available to school districts on how to administer interim assessments.
 5. Interim assessment vendors must publicly share their process and timeline to update and improve their interim assessment. Information to be shared includes a psychometric review for validity and reliability, by the vendor or outside evaluator, in relation to the North Dakota educational content standards.

History: Effective October 1, 2023

General Authority: NDCC 15.1-21-17.1, 28-32-02

Law Implemented: NDCC 15.1-21-17.1

67-33-01-03. Selection and Approval Process

Data sharing agreements between the school district, vendor, and statewide longitudinal data system must be in place. This must occur to ensure compliance with NDCC15.1-21-17.1 subsection 4. It is the responsibility of the school district to ensure an updated data sharing agreement is in place. An interim assessment vendor must follow the process described in this section to be considered for placement on the state-approved list:

1. Contact the North Dakota department of public instruction to retrieve the approval form that interim assessment vendors must complete. This approval form will also be available on the department's website.
2. Complete the approval form.
 - a. Approval form will include assurances for items listed under 67-33-01-02
 - b. Approval form will require a signature from someone with vendor signature authority
 - c. Approval form will require contact information to be shared with the department
3. Submit the approval form via the instructions on the form itself. The department of public instruction will then review the approval form and inform the vendor of its status within 30 days.

History: Effective October 1, 2023

General Authority: NDCC 15.1-21-17.1, 28-32-02

Law Implemented: NDCC 15.1-21-17.1

67-33-01-04. List Creation, Maintenance, and Tracking

When interim assessment vendors are approved they will be added to the state-approved interim assessment list. The list will be created and maintained by the department of public instruction and will be available on the department's website and available to be shared upon request. The superintendent of public instruction has the authority to remove vendors if they are not in compliance with the criteria in this chapter. The department of public instruction and the North Dakota information technology department will work together to track school districts and interim assessment vendors who are and are not in compliance with this chapter. The state will provide feedback to the interim assessment vendors about data sharing agreements and the usefulness of the interim assessment data. If data are found to be of little

value or low quality, the superintendent of public instruction has the authority to remove vendors from the list.

History: Effective October 1, 2023

General Authority: NDCC 15.1-21-17.1, 28-32-02

Law Implemented: NDCC 15.1-21-17.1