

2021 HOUSE EDUCATION

HB 1232

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1232
1/19/2021

Relating to the satisfaction of school calendar hours through virtual instruction.
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Chairman Owens called the meeting to order at 10:00 AM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present.

Discussion Topics:

- DPI guidance on virtual instruction
- DPI online help for teachers during their virtual learning
- Virtual courses
- Innovative waivers
- Students and online learning
- Pre-approved plans for inclement weather
- Compulsory law

Rep. Satrom introduced HB 1232

Joe Kolosky, Director, Office of School Approval and Opportunity, #1208

Chairman Owens closed the hearing on HB 1232 at 10:29 AM.

Bev Monroe, Committee Clerk

**TESTIMONY ON HB 1232
HOUSE EDUCATION COMMITTEE**

January 19, 2021

By: Joe Kolosky, Director of School Approval and Opportunity

701-328-2755

North Dakota Department of Public Instruction

Mr. Chairman and Members of the Committee:

My name is Joe Kolosky and I am the Director of School Approval & Opportunity with the Department of Public Instruction (DPI). I am here on behalf of the department, to speak in favor of House Bill 1232 regarding to the satisfaction of school calendar hours through virtual instruction.

As we all know, it has been a trying and unprecedented time in education the past several months, both in North Dakota and worldwide. From the beginning of the pandemic NDDPI has facilitated the creation of the original distance learning plan guidance, the summer “soft reopening” of schools, and the K-12 Smart Restart for the start of school last fall. Throughout the last several months I have seen the importance of a quality education to North Dakota students more than ever before.

There are several reasons why NDDPI supports this bill. For one, this bill will ensure the continuum of quality education services of our students no matter the circumstance. Be it a natural event like blizzard or flood of that could cripple a

city and district for days or weeks; a burst pipe that leaves a school unusable; or, another pandemic that shutters schools for several months.

In addition, the district will be able to be better stewards of taxpayer's money by enabling quality virtual education during the times of duress and uncertainty. Parents and community members can rest assured that their monies will be utilized effectively, and their children continue to receive a quality education.

Local control is important but taxpayers also need assurance that the money they invest in K12 education is providing the time promised to the their children in direct instruction and high-quality teaching and supervision. The specific identification of measuring synchronous, asynchronous instruction, virtual meeting time, and the time students and teachers are logged into a virtual learning platform and doing homework assures the taxpayers are receiving the services they are paying for and is supporting the expectations the legislature has set out in the instructional time requirements schools must deliver in order to receive their foundation aid payments.

Throughout my testimony I have continually used the term "quality education." This is purposeful. The reason is, this bill specifically outlines that "rules governing the submission, evaluation, and approval of applications and the monitoring of any school district receiving a waiver under this subsection" will be

adopted. We have learned a lot about virtual learning the past several months. We have seen what has worked and what has not worked. The department will work with stakeholders to develop administrative rules that outline efficient and quality virtual learning protocols. We will also work with stakeholders to create and provide professional development regarding quality virtual education that districts can utilize in creating their virtual learning applications.

In closing, this bill provides the flexibility the schools need, while providing the checks and balances taxpayers deserve. The department will work tirelessly to provide districts the tools and resources to utilize virtual learning to enable all students in North Dakota to succeed and accomplish their educational goals. Chairman Owens and members of the committee, this concludes my prepared testimony and I will happily stand for any questions you may have.

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1232
1/20/2021

Relating to the satisfaction of school calendar hours through virtual instruction.
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Chairman Owens called the meeting to order at 11:06 AM. Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager were present.

Discussion Topics:

- Committee members and representative of DPI clarification of bill

Joe Kolosky, Director, DPI, Office of School Approval and Opportunity: oral testimony. 11:12

Chairman Owens closed the hearing at 11:14 AM.

Bev Monroe, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1232
1/26/2021

Relating to the satisfaction of school calendar hours through virtual instruction.
--

Chairman Owens called the meeting to order at 3:17 PM. Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager were present; Rep. M. Johnson was absent.

Discussion Topics:

- Review of Amendment 21.0402.01002

Representative Schreiber-Beck- Amendment 21.0402.01002 #3550

Representative Schreiber-Beck moved the Amendment 21.0402.01002, seconded by **Rep Zubke**. Voice vote. Motion carried.

Representative Schreiber-Beck moved a **Do Pass as Amended**, seconded by **Rep Heinert**.

Roll call vote.

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

Motion carried. 13-0-1 Carrier is **Rep. Guggisberg**.

Chairman Owens closed the hearing at 3:28 PM.

Bev Monroe, Committee Clerk

DA 1/26/21
1051

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1232

Page 2, line 5, replace "circumstances" with "conditions"

Page 2, line 26, remove "at least ninety-five percent student participation"

Page 2, line 27, remove "in the"

Page 2, line 27, after "instruction" insert "available to all students"

Page 2, line 27, remove "that at least ninety-five percent of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1232: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1232 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "circumstances" with "conditions"

Page 2, line 26, remove "at least ninety-five percent student participation"

Page 2, line 27, remove "in the"

Page 2, line 27, after "instruction" insert "available to all students"

Page 2, line 27, remove "that at least ninety-five percent of"

Renumber accordingly

21.0402.01002
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
January 25, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1232

Page 2, line 5, replace "circumstances" with "conditions"

Page 2, line 26, remove "at least ninety-five percent student participation"

Page 2, line 27, remove "in the"

Page 2, line 27, after "instruction" insert "available to all students"

Page 2, line 27, remove "that at least ninety-five percent of"

Renumber accordingly

2021 SENATE EDUCATION

HB 1232

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1232
3/10/2021

A BILL relating to the satisfaction of school calendar hours through virtual instruction.
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Chair Schaible opened the hearing at 9:19 AM.

Discussion Topics:

- Pandemic
- Learning plan guidance
- Maintaining education quality
- Waiver process by DPI
- Local autonomy

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

Rep Bernie Satrom – District 12 - introduced the bill

Joe Kolosky – DPI – testified in support #8368

Dr. Matthew Lonn – ND Center for Distance Learning – testified in support #8349

Dr. Aimee Copas – Ex Dir NDCEL – testified in support #8444

Additional written testimony:

Amy DeKok – support #8494

Adjourned at 9:36 AM

Lynn Wolf, Committee Clerk

**TESTIMONY ON HB 1232
SENATE EDUCATION COMMITTEE**

March 9, 2021

By: Joe Kolosky, Director of School Approval and Opportunity

701-328-2755

North Dakota Department of Public Instruction

Mr. Chairman and Members of the Committee:

My name is Joe Kolosky and I am the Director of School Approval & Opportunity with the Department of Public Instruction (DPI). I am here on behalf of the department, to speak in favor of House Bill 1232 regarding to the satisfaction of school calendar hours through virtual instruction.

As we all know, it has been a trying and unprecedented time in education the past several months, both in North Dakota and worldwide. From the beginning of the pandemic NDDPI has facilitated the creation of the original distance learning plan guidance, the summer “soft reopening” of schools, and the K-12 Smart Restart for the start of school last fall. Throughout the last several months I have seen the importance of a quality education to North Dakota students more than ever before.

There are several reasons why NDDPI supports this bill. For one, this bill will ensure the continuum of quality education services of our students no matter the circumstance. Be it a natural event like blizzard or flood of that could cripple a

city and district for days or weeks; a burst pipe that leaves a school unusable; or, another pandemic that shutters schools for several months.

In addition, the district will be able to be better stewards of taxpayer's money by enabling quality virtual education during the times of duress and uncertainty. Parents and community members can rest assured that their monies will be utilized effectively, and their children continue to receive a quality education.

Local control is important but taxpayers also need assurance that the money they invest in K12 education is providing the time promised to the their children in direct instruction and high-quality teaching and supervision. The specific identification of measuring synchronous, asynchronous instruction, virtual meeting time, and the time students and teachers are logged into a virtual learning platform and doing homework assures the taxpayers are receiving the services they are paying for and is supporting the expectations the legislature has set out in the instructional time requirements schools must deliver in order to receive their foundation aid payments.

Throughout my testimony I have continually used the term "quality education." This is purposeful. The reason is, this bill specifically outlines that "rules governing the submission, evaluation, and approval of applications and the monitoring of any school district receiving a waiver under this subsection" will be

adopted. We have learned a lot about virtual learning the past several months. We have seen what has worked and what has not worked. The department will work with stakeholders to develop administrative rules that outline efficient and quality virtual learning protocols. We will also work with stakeholders to create and provide professional development regarding quality virtual education that districts can utilize in creating their virtual learning applications.

In the event that additional language is considered for amendments to expand this bill into the opportunity for districts to conduct virtual learning academies without an emergency occurring, we ask that NDDPI be involved in that discussion to ensure Assistant Director of School Finance, Mr. Adam Tescher and I have the necessary processes and definitions in place to ensure educational and fiduciary fidelity.

In closing, this bill provides the flexibility the schools need, while providing the checks and balances taxpayers deserve. The department will work tirelessly to provide districts the tools and resources to utilize virtual learning to enable all students in North Dakota to succeed and accomplish their educational goals. Chairman Schaible and members of the committee, this concludes my prepared testimony and I will happily stand for any questions you may have.



Dr. Matthew Lonn Testimony to Senate Education Committee

Chairman Schaible and members of the Senate Education Committee, I speak to you today on behalf of North Dakota's Center for Distance Education (NDCDE, CDE). For the record, I am Dr. Matthew Lonn, Director at the Center for Distance Education.

CDE is in support of HB1232. CDE would also support any additional amendments that allow districts the flexibility to leverage full time virtual programs (not just during weather emergencies) for their students and still be able to count those students as active attendees in their district.

We are all aware of the important role that digital education has played during the pandemic. However, it is important to remember that students, parents, and schools have been leveraging the digital delivery of learning opportunities with greater regularity for many years now. Quality digital curriculum and instruction have made significant strides during that time. One of the greatest indicators is that successful completion rates for K-12 students learning online continue to rise nearly surpassing 85%.

As we know, there is overwhelming research that not all students learn best with the same instructional methods nor at the same pace. By allowing districts the flexibility and local control to provide students the option to learn fully online, they can provide additional learning choice to help more kids be successful.

It is important to note that with nearly 30% of districts reporting so far on this year's required annual online clearinghouse survey, slightly over 33% have indicated that they would like the ability to offer a virtual academy for students in their district. If this becomes a representative sample, that means that approximately 60 of the state's 175 districts would like to offer full time virtual options for some of their students. That could equate to greater choice and control over their learning for thousands of kids.

Thank you for your time. I will now stand for any questions.

Dr. Matthew Lonn, State Director
North Dakota Center for Distance Education



1 HB1232 – Virtual Instruction

2 NDCEL Testimony in support – suggesting amendments

3 Chairman Schaible and members of the Senate Education Committee – for the record, my name is
4 Aimee Copas and I am here today representing NDCEL and your school leaders. I’m here to
5 support the idea of having a modality for virtual instruction, however, NDCEL would like to offer
6 a more simplified approach to this process as our districts are asking for and need more flexibility
7 than this bill currently offers.

8 Our local school boards are currently charged with deciding the curriculum, calendar, and how
9 education should be approached in their community. We would ask that rather than having a
10 waiver process, our experiences in this area lend to a level of expertise that begets the concept of
11 allowing a district to decide whether or not they will offer remote instruction, and if they do,
12 locally determine how that may look in that local districts for those students who MIGHT
13 participate in that option. That local autonomy is critical to both have efficacy as well as to allow
14 the educators to have a determination process put into place whether that remote instruction is
15 appropriate for students who may be interested.

16 There are no areas in code that indicate that a school cannot offer remote instruction. Frankly – as
17 a state we’ve been in the business of remote education for quite some time. Please allow me to
18 remind you of the ND Center for Distance Education, our ITV consortiums, etc. Where we run
19 into a conundrum is the need for a clear pathway for the per-pupil payment to arrive at the school
20 accordingly.

21 NDCEL would respectfully suggest a few areas of code that the NDCEL Legislative Focus Group
22 have indicated to me might be adjusted to accommodate this thought process:

- 23 1) Adjust compulsory education law to reflect that a student should be enrolled WITH a
24 school rather than AT a school

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education
for all students in North Dakota.*

Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



1 2) Adjust the areas regarding formula payments to recognize students engaged in education
2 with schools even when possibly learning outside of their brick and mortar buildings and
3 while engaged in alternative modalities of instruction and learning.

4 3) Take into consideration the open enrollment area of century code and ensure that we have
5 protections in place to keep a student tied to resident districts while having a pathway to
6 participate in remote instruction with another district if a tuition agreement is reached.

7 Thank you for considering these potential adjustments to the bill. We would be happy to assist on
8 the language for any amendment.



NDSBA

NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
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#8494

HB 1232
Testimony of Amy DeKok
Senate Education Committee
March 10, 2021

Chairman Schaible and members of the committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. NDSBA stands in support of HB 1232.

Over the past year, public schools have faced unprecedented challenges in delivering quality education services to the students of North Dakota. If we have learned anything as a result of these challenges, is that public schools need to be able to deliver education services to students over multiple platforms, especially in the event the traditional methods are unavailable or limited. One such platform is virtual instruction. Schools were forced to turn exclusively to virtual instruction in order to continue to provide high-quality and legally required instruction to students during the pandemic. It is certainly possible (and likely) that schools will again face circumstances in the future that make traditional in-person delivery difficult or impossible. HB 1232 builds flexibility into state law to allow for the use of virtual instruction when school is closed or cancelled due to inclement weather or other conditions and that such instruction will count toward the instructional hour requirements if certain conditions are met.

For these reasons, NDSBA urges a Do Pass recommendation on HB 1232. Thank you for your time.

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1232
3/31/2021

A BILL relating to the satisfaction of school calendar hours through virtual instruction.

Chair Schaible called to order at 2:49 PM

Discussion Topics:

- Committee Work
- 21.0402.02001

Sen Elkin moved a **Do Pass** amendment 21.0402.02001

Sen Lemm seconded

Roll Call Vote: 6-Yea; 0-Nay; 0-Ab Motion Passed

Sen Elkin moved a **Do Pass as Amended**

Sen Lemm seconded

Roll Call Vote: 6-Yea; 0-Nay; 0-Ab Motion Passed

Sen Schaible will carry the bill

Adjourned at 2:55 PM

Lynn Wolf, Committee Clerk

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

Amend 21.0402.02001	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

HB 1232	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

March 31, 2021

21.0402.02001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1232

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; to"

Page 1, line 3, after "instruction" insert "; and to provide for a legislative management report"

Page 2, line 10, remove ", except a school district may submit and"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "subsection 6"

Page 2, line 13, after the period insert "A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 2 of this Act."

Page 2, remove lines 23 through 31

Page 3, replace lines 1 and 2 with:

"**SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1232, as engrossed: 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). Engrossed HB 1232 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; to"

Page 1, line 3, after "instruction" insert "; and to provide for a legislative management report"

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"SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section."

Renumber accordingly

2021 CONFERENCE COMMITTEE

HB 1232

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1232
4/13/2021
Conference Committee

Relating to the satisfaction of school calendar hours through virtual instruction

11:00 AM Chairman P. Heinert opened the hearing. Roll call was taken. Present: Chairman Heinert, Rep. Pyle, Rep. Guggisberg, Sen. Schaible, Sen. Wobbema and Conley.

Discussion Topics:

- Committee work
- Virtual learning

Chairman Heinert opened discussion on drafting of amendment by Department of Public Instruction, #11501

Chairman Heinert closed the hearing at 11:05 AM

Bev Monroe, Committee Clerk

HB 1232 Recommended Amendments

SECTION 2. A new section of chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district in circumstances pursuant to Section 1, number 3 of this act. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. ~~The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.~~

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1232
4/15/2021
Conference Committee

Relating to the satisfaction of school calendar hours through virtual instruction

Chairman Heinert opened the conference committee meeting at 11:00 AM. Roll call was taken. Present: Chairman Heinert, Rep. Pyle, Rep. Guggisberg, Sen. Schaible, Sen. Hobbema and Sen. Conley.

Discussion Topics:

- Committee work

Sen. Schaible introduced amendment that replaces hours in school instead of hours in virtual learning, #11528, #11529

Kirsten Baesler clarification on administrative rules.

Senator Schaible moved the **Senate recede from Senate amendments and amend as follows with amendment #21.0402.02002**, seconded by **Rep. Guggisberg**.

Roll call vote was taken. **Motion carried. 6-0-0**

Rep. Heinert is House carrier.

Sen. Schaible is Senate carrier.

Chairman Heinert closed the hearing at 11:05 AM

Bev Monroe, Committee Clerk

April 13, 2021

JP
4/15/21

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1232

That the Senate recede from its amendments as printed on page 1463 of the House Journal and page 1134 of the Senate Journal and that Engrossed House Bill No. 1232 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; and to"

Page 2, line 10, remove "except a school district may submit and"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "subsection 6"

Page 2, line 13, after the period insert "A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 2 of this Act."

Page 2, remove lines 23 through 31

Page 3, replace lines 1 and 2 with:

"SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and a school district may qualify for average daily membership in the district if the district is providing virtual instruction in satisfaction of the requirements of subsection 3 of section 15.1-06-04. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction.

Renumber accordingly

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1232 as (re) engrossed

House Education Committee

- Action Taken** ☐ **HOUSE accede to Senate Amendments**
☐ **HOUSE accede to Senate Amendments and further amend**
☐ **SENATE recede from Senate amendments**
☒ **SENATE recede from Senate amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Schaible Seconded by: Representative Guggisberg

Representatives	4/13	4/15		Yes	No		Senators	4/13	4/15		Yes	No
Rep. Heinert	X	X		X			Sen. Schaible	X	X		X	
Rep. Pyle	X	X		X			Sen. Wobbema	X	X		X	
Rep. Guggisberg	X	X		X			Sen. Conley	X	X		X	
Total Rep. Vote				3			Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Representative Heinert Senate Carrier Senator Schaible

LC Number 21.0402 . .02002 of amendment

LC Number 21.0402 . .04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0402.02002
House Carrier: Guggisberg
Senate Carrier: Schaible

REPORT OF CONFERENCE COMMITTEE

HB 1232, as engrossed: Your conference committee (Sens. Schaible, Wobbema, Conley and Reps. Heinert, Pyle, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1463, adopt amendments as follows, and place HB 1232 on the Seventh order:

That the Senate recede from its amendments as printed on page 1463 of the House Journal and page 1134 of the Senate Journal and that Engrossed House Bill No. 1232 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; and to"

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School districts - Policy - Virtual learning.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and a school district may qualify for average daily membership in the district if the district is providing virtual instruction in satisfaction of the requirements of subsection 3 of section 15.1-06-04. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction."

Renumber accordingly

Engrossed HB 1232 was placed on the Seventh order of business on the calendar.

21.0402.02002
Title.

Prepared by the Legislative Council staff for
Senator Schaible

April 13, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1232

That the Senate recede from its amendments as printed on page 1463 of the House Journal and page 1134 of the Senate Journal and that Engrossed House Bill No. 1232 be amended as follows:

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Renumber accordingly

21.0402.02002

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1232

Introduced by

Representatives Satrom, Jones, Ostlie, Paulson, Schauer, Strinden

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to school district virtual learning policies; and to amend and reenact
3 sections 15.1-06-04 and 15.1-27-23 of the North Dakota Century Code, relating to the
4 satisfaction of school calendar hours through virtual instruction.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 15.1-06-04. School calendar - Length.

9 1. A school district shall provide for a school calendar that includes:

10 a. At least nine hundred sixty-two and one-half hours of instruction for elementary
11 school students and one thousand fifty hours of instruction for middle and high
12 school students;

13 b. Three holidays, as selected by the board in consultation with district teachers
14 from the list provided for in subdivisions b through j of subsection 1 of section
15 15.1-06-02;

16 c. No more than two days for:

17 (1) Parent-teacher conferences; or

18 (2) Compensatory time for parent-teacher conferences held outside of regular
19 school hours; and

20 d. At least three days of professional development not including meals or breaks.

21 2. For the first three days of professional development required under subdivision d of
22 subsection 1, a day of professional development must consist of:

23 a. Six hours of professional development, exclusive of meals and other breaks,
24 conducted within a single day;

- 1 b. Six hours of cumulative professional development conducted under the auspices
2 of a professional learning community; or
- 3 c. Two four-hour periods of professional development, exclusive of meals and other
4 breaks, conducted over two days.
- 5 3. If because of weather or other conditions a school must cancel hours of instruction or
6 dismiss before completing a full dayall hours of instruction for the day, the school is
7 responsible for making up only those hours and portions of an hour between the time
8 of cancellation or early dismissal and the conclusion of a full dayall hours of classroom
9 instruction for the day if the dismissal will result in the school failing to meet the
10 requirements of subdivision a of subsection 1, ~~except a school district may submit and~~
11 ~~the superintendent of public instruction may approve an application to allow the school~~
12 ~~district to offer instruction through a virtual education plan as provided under~~
13 ~~subsection 6. A school district may satisfy the requirements of this section by providing~~
14 ~~virtual instruction pursuant to section 2 of this Act.~~
- 15 4. For purposes of this section, a full day of instruction consists of:
- 16 a. At least five and one-half hours for kindergarten and elementary students, during
17 which time the students are required to be in attendance for the purpose of
18 receiving curricular instruction; and
- 19 b. At least six hours for high school students, during which time the students are
20 required to be in attendance for the purpose of receiving curricular instruction.
- 21 5. If a school district intends to operate under a school calendar that consists of four days
22 of instruction per week, the school district shall apply and be approved for a waiver by
23 the superintendent of public instruction.
- 24 ~~6. The superintendent of public instruction may adopt rules governing the submission,~~
25 ~~evaluation, and approval of applications and the monitoring of any school district~~
26 ~~receiving a waiver under this subsection. To be eligible to receive a waiver under this~~
27 ~~subsection, a school district must have virtual instruction available to all students and~~
28 ~~provide evidence the school district's teachers and administration were actively~~
29 ~~instructing, facilitating, and engaging students through the virtual education plan on~~
30 ~~the days virtual instruction was offered. A virtual education plan must calculate~~
31 ~~instruction time by adding synchronous virtual instructional time, virtual meeting time,~~

~~time a student is logged into the virtual learning platform, and time a student spends
offline completing assignments as determined by the school. For purposes of this
subsection, "synchronous" means occurring at a specific designated time.~~

SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and a school district may qualify for average daily membership in the district if the district is providing virtual instruction in satisfaction of the requirements of subsection 3 of section 15.1-06-04. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction.

SECTION 3. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing virtual instruction under section 15.1-06-04.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.