

**2021 SENATE EDUCATION**

**SB 2028**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SB 2028  
1/6/2021

A BILL to repeal relating to education stabilization fund usage, the revolving printing fund, school reports, scholarships for 2009-10 high school graduates, district participation in the Goals 2000 Educate America Act, and a report on the use of state funds for professional development.

**2:00 PM** Vice Chair Elkin opened the meeting held in the Harvest Room because of technical difficulties.

**Discussion Topics:**

- Parts of the NDCC that are irrelevant, duplicative, inconsistent, obsolete or unclear.

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

**Senator Schaible** introduced the bill.

**Dustin Assel**, ND Legis Council testified neutral. #846

**Jeff Fastnacht** #66, #67, #68

**Alexis Baxley**, NDSBA Exec Director - #847

**Aimee Copas**, NDCEL Exec Director - #84

**Additional written testimony:** None

**2:14:46 PM**

*Lynn Wolf, Committee Clerk*

Senate Bill No. 2028 (Senate Education- Sen. Schaible- 1/6/21- R216- 9:30 am)

- Mr. Chairman and members of the Senate Education Committee, good morning. For the record, my name is Dustin Assel
  - I am a staff attorney with the Legislative Council.
    - I staffed the most recent interim Education Policy committee, which worked on, drafted, and recommended SB 2028 (2021), which is before you today.
  
- I will start today by saying that I am here to testify in a purely non-partisan and neutral capacity.
  - I am neither in support of nor against this bill, but rather I am here only to provide background and information on the bill and the recommendations of the interim committee.
  
- General Background:
  - For purposes of general background:
    - House Concurrent Resolution 3011 (2019) directed a study of provisions of the North Dakota Century Code which relate to the provision of elementary and secondary education to recommend changes to any laws found to be irrelevant, duplicative, inconsistent, or unclear.
  
  - The last study and statutory rewrite of provisions relating to elementary and secondary education occurred in the late 1990s and was completed in 2001. Since 2001 there have been several hundred bills which primarily affected Title 15.1, the title of the North Dakota Century Code which houses the vast majority of the laws addressing elementary and secondary education. The title currently consists of 41 active chapters of law.
  
- Interim Committee Work:

- During the course of the of the interim committee's work on this topic, the committee indicated that a complete rewrite of the title, if undertaken, would take multiple interims to complete. The committee generally agreed that before a rewrite was undertaken, the committee first needed to receive input from education stakeholders to determine if provisions existed in Title 15.1 which were irrelevant, inconsistent, duplicative, or unclear.
- The committee received testimony from a representative of a stakeholder group that included school administrators. The stakeholder group reviewed provisions in Title 15.1.
  - The testimony indicated there were 6 provisions in NDCC Title 15.1 which were potentially redundant or obsolete, and which could be repealed.
    - The committee ultimately agreed, and Senate Bill 2028 was brought forth to repeal the provisions found to be redundant and obsolete.
- Senate Bill 2028
  - Looking at the bill now, this is a very simple bill. The bill simply repeals 6 sections of century code
    - 15.1-02-20- addresses education stabilization fund dollars received by school districts as a result of the American Recovery and Reinvestment Act of 2009- a federal stimulus package enacted in 2009
    - 15.1-03-03 - Addresses the revolving printing fund and allows school districts to purchase instructional materials developed and printed by DPI at cost, the money deposited in the fund
    - 15.1-06-18- Addresses school reports completed by school districts and forwarded to the governor through the superintendent of public instruction. The section allows the governor to convene an ad hoc committee (assembled by the

governor to address a specific issue) to review the information and make changes to the information gathering process.

- The section does not address the specifics of the report by the districts, just the committee and membership
  - 15.1-21-02.7- addresses North Dakota Scholarship opportunities for students who graduated in 2009-10.
  - 15.1-21-06- addresses a school district's ability to participate in the Goals 2000 Educate America Act, which was withdrawn upon the passage of the No child left behind act.
  - 15.1-21-12- addresses a report that each school district must file with the superintendent of public instruction annually regarding the use of available funds on professional development.
  
- Mr. Chairman, that concludes the information I have prepared for you today.

Date: Wednesday, January 6, 2020  
To: North Dakota Senate Education Committee  
From: Jeff Fastnacht, Asst. Superintendent  
Re: Support for SB 2028

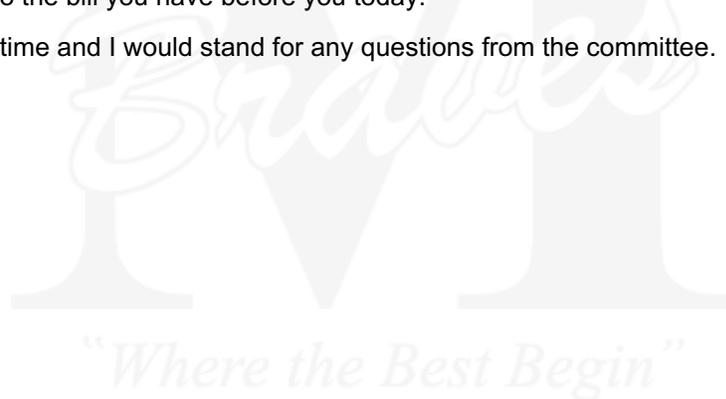
Good Morning Chairman Schaible and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School. Today, I am speaking to you more as the President of the ND Council of Education Leaders and as an aspiring Doctoral student at the University of Mary.

During the interim I was asked by Chairman Schaible to organize a group of stakeholders to review chapter 15.1 for the sake of a general cleanup. This request married well with my course requirements for my doctoral work with the University of Mary so I took on the challenge.

A group consisting of NDASA, NDASB, NDAESP, NDASSP, and NDDPI reviewed and provided input on a long list of possible revisions to this section. These possible revisions were then reviewed and narrowed to those we felt were the least controversial to modify or delete. It was our intentions, as a group, to provide you a list of revisions that noted obvious revisions that did not impact present policy or direction for education in our state. These revisions as presented are what I feel are just antiquated parts of code.

On January 7, 2020 I was provided the opportunity to present these findings to the Interim Committee and are the foundation to the bill you have before you today.

Thank you for your time and I would stand for any questions from the committee.



## 15. 1 Reporting Requirements Summary & Recommendations by NDCEL

| Chap                             | Chapter Name   |
|----------------------------------|--|
| <a href="#">15.1-02 Sections</a> | <b>Superintendent of Public Instruction</b>  |
| Support                          | 15.1-02-09 Annual Report on the Financial Conditions of School Districts   |
| Support with changes             | 15.1-02-13. Employee Compensation Report<br>As so long as this data is obtained from official financial documents we would support this data collection. Reporting of salary and other self-reported information by teachers and staff is unreliable.  |
| <a href="#">15.1-06 Sections</a> | <b>Schools</b>   |
| Support with changes             | 06-06 The Compliance Report<br>Certification that each teacher is licensed and teaching courses in their area or field<br>Certification that schools are part of a school improvement process<br>Certification that schools are inspected by fire marsahll<br>Certification that background checks are done<br>Certification that schools will use e-transcript<br>Approval by principal - Superintendent and Board of Education<br>Penalty for non-completion |
| Remove                           | 06-08 Rules for school accreditation - waiver<br>Part 1 provides for this waiver for innovation to improve educational opportunities. Waivers to improve delivery of educaiton are already allowed under 06-08.1   |
| Why                              | 06-18 School Report - Review<br>This is an annual report for each public school principal that is provided to the Supt and then forwarded to the Governor and his ad-hoc committee. No definition of what is collected. In part 5. the composition of the committee is defined. We are not sure what this committee is at this time.   |
| <a href="#">15.1-07 Sections</a> | <b>School Districts</b>  |
| Remove                           | 07-32. Student Performance Strategist<br>One FTE per every 400 students in ADM in grades K-3. What is the purpose of these reporting?  |

|                                    |  |
|------------------------------------|--|
| <a href="#">15.1-09 Sections</a>   | <b>School Boards</b>   |
| Support with changes               | <p>09-35 Reports by school boards on conditions of schools</p> <p>Prepare a report regarding the condition of all schools in the district, including financial condition and educational progresss of students</p> <p>Forward copy to the County Supt of Schools</p> <p>Publish a copy in the official paper.</p>                          |
| Support                            | <p>09-59 Maintenance of Insurance</p> <p>Annually each school shall review the terms of insurance and contents and assure to Superintendent (compliance)</p>   |
| <a href="#">15.1-09.1 Sections</a> | <b>Regional Education Associations</b>   |
| Support                            | <p>09.1-12 Regional educaiton association - audit</p> <p>REAs must conduct an audit one time every two years and present audit to state board of public education</p>  |
| <a href="#">15.1-19 Sections</a>   | <b>Students and Safety</b>   |
| Support                            | <p>19-18 District must establish procedures for reporting and documenting alleged acts of bullying.</p>  |
| <a href="#">15.1-20 Sections</a>   | <b>School Attendance</b>   |
| Support                            | <p>20-03.1 - school shall submit data regarding school attendance - easy as we use PS.</p> <p>Collected via PowerSchool</p>  |
| <a href="#">15.1-21 Sections</a>   | <b>Curriculum and Testing</b>  |
| Remove                             | <p>21-12 Professional Development - Use of available funds</p> <p>With the elimination of state funds for professional development this report no longer represents a means of tracking activities and benefits of PD funds. We believe DPI would also support elimination of this report as it does not provide valuable information.</p> |

|                                  |   |
|----------------------------------|---|
| <a href="#">15.1-23 Sections</a> | <b>Home Education</b>   |
| Remove                           | <p>23-07 Required monitoring of progress</p> <p>Districts must report on monitoring requirements for each home educated child including parent qualifications, education, monitoring status.</p>  |
| Remove                           | <p>23-10 Home Education - Standardized achievement test - cost</p> <p>This spells out the costs and results for the required standardized tests.</p> <p>** Monitoring, parent qualification &amp; test results are reported by districts</p>  |
| <a href="#">15.1-24 Sections</a> | <b>Chemical Abuse Prevention</b>  |
| No position                      | <p>24-02 Staff</p> <p>This provides authority for the Supt of Public Instruction to hire an individual as a chemical abuse project coordinator and collect data for reporting and program evaluation as necessary</p>   |
| <a href="#">15.1-27 Sections</a> | <b>State Aid</b>  |
| Support with changes             | <p>27-02 Per student payments - Required reports</p> <p>The Supt of Public Instruction may withhold payments to districts if schools fail to submit:</p> <ul style="list-style-type: none"> <li>* fall enrollment by Sept 10</li> <li>* student membership and attendance report by Oct</li> <li>* school district financial report by Oct</li> <li>* personnel report forms for Licensed (MISO) and nonlicensed (PERO) employees by Oct</li> </ul> |
| <a href="#">15.1-35 Sections</a> | <b>Child Nutrition and Food Distribution Programs</b>   |
| Support                          | <p>35-05 Accounts and records - Rules - Reporting - Availability</p> <p>The Supt of Public Instruction shall adopt rules regarding recordkeeping for any entity participating in child nutrition program.</p>   |
| <a href="#">15.1-37 Sections</a> | <b>Early Childhood Education Program</b>  |
| Support with changes             | <p>37-08 Data collection - Requirements</p> <p>The Supt of Public Instruction,....., shall implement a uniform system for the accounting, budgeting, and reporting of early childhood education data</p>  |

# Review of NDCC 15.1 - Fixes by NDCEL

| Chapter                          | Chapter Name   |
|----------------------------------|--|
| <a href="#">15.1-02 Sections</a> | Superintendent of Public Instruction   |
|                                  | 02-20. This section deals with the American Recovery and Reinvestment Act of 2009 dollars. Could be removed.   |
| <a href="#">15.1-03 Sections</a> | Department of Public Instruction   |
|                                  | 03-03. We believe this section has roots back when the ND Division of Independent Study was part of DPI. What is the need for this fund?   |
| <a href="#">15.1-06 Sections</a> | Schools  |
|                                  | 06-18 School Report Review - This is not much about reports but more about an ad-hoc committee. What is this? Districts complete a compliance report however elements of this section appear to not be reality with ad-hoc committee.  |
| <a href="#">15.1-21 Sections</a> | Curriculum and Testing   |
|                                  | 21-02.7 North Dakota scholarship opportunities - 2009-10 high school graduates<br>Only for 2009-10 graduates and believe the timeline to use these funds has past.<br>21-12 PD Report - Used to monitor use of previously received PD state funds.<br>21-06 Goals 2000 Participation |
| <a href="#">15.1-23 Sections</a> | Home Education   |
| <a href="#">15.1-24 Sections</a> | Chemical Abuse Prevention  |
| <a href="#">15.1-25 Sections</a> | Postsecondary Enrollment   |
| <a href="#">15.1-26 Sections</a> | Adult Education  |
| <a href="#">15.1-27 Sections</a> | State Aid  |
| <a href="#">15.1-28 Sections</a> | State Tuition Fund   |



**NDSBA**

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#847

**SB 2028  
Testimony of Alexis Baxley  
Senate Education Committee  
January 6, 2021**

Chairman Schaible and members of the Senate Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 175 North Dakota public school districts, their boards, and a number of special education units. I am here today in support of SB 2028.

NDSBA is appreciative of the work the Education Policy Committee did in bringing this bill forward. We were happy to work with NDCEL to assist in identifying these sections of code. We believe repealing the sections of code included in SB 2028 will remove unnecessary burden from schools in North Dakota, redundancies in code, and outdated references. Chapter 15.1 will be clearer and better for it.

For this reason, NDSBA supports SB2028 and encourages this committee to give it a do pass recommendation. I would be happy to answer any questions the committee may have.



1 **SB 2028 – Repeal of obsolete statutory provisions – NDCEL Testimony in Support**

2 **January 6, 2021**

3 Chairman Schaible and members of the Senate Education Committee – good day and welcome  
4 back to Bismarck! My name is Dr. Aimee Copas – I am the Executive Director for the North  
5 Dakota Council of Educational Leaders (known as NDCEL). NDCEL is an umbrella organization  
6 that represents and provides leadership development all school leaders in the state – including  
7 school superintendents, principals, CTE directors, school business officials, technology leaders,  
8 athletic directors, special education directors, and REA leaders. I’m excited to see some of you  
9 returning to this committee and am likewise excited to get to know the rest of you who are new to  
10 the education committee. We’ll be seeing a lot of each other during the session – working together  
11 in the best interest of students and schools is such a worthwhile endeavor! Thank you for your  
12 service.

13 In this instance I am here to indicate our support for SB2028 regarding repealing some statutory  
14 provisions which have proven to be no longer used or effective. During the interim session this  
15 past year, a good deal of time was spent in conjunction with the interim education committee,  
16 NDSBA, and our office to go through all of 15.1 with the thought in mind to clean it up. As Mr.  
17 Fastnacht who led the work indicated – all the items you see before you are areas that have outlived  
18 their usefulness in ND Century Code. There are no areas of concern that are being removed.

19 We encourage you to consider this bill and see as well, that this is a code language clean up and is  
20 worthy to consider for approval.

21 Thank you for your time.

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

SB 2028  
1/12/2021

A BILL to repeal relating to education stabilization fund usage, the revolving printing fund, school reports, scholarships for 2009-10 high school graduates, district participation in the Goals 2000 Educate America Act, and a report on the use of state funds for professional development.

**2:01 PM**

**Chairman Schaible** called the Committee Work meeting to order at 2:00 PM

**Discussion Topics:**

- Chairman Schaible asked committee member preferences on SB2028.

| Senator           | Attendance |
|-------------------|------------|
| Chairman Schaible | P          |
| Senator Elkin     | P          |
| Senator Conley    | P          |
| Senator Lemm      | P          |
| Senator Oban      | P          |
| Senator Wobbema   | AB         |

**Motion by Senator Elkin, second by Senator Oban Do Pass SB 2028.**

**Roll call vote** was taken **Yes-5; No-0; 1-Ab**

**Motion Passed**

| Senators          | Vote |
|-------------------|------|
| Chairman Schaible | Y    |
| Senator Elkin     | Y    |
| Senator Conley    | Y    |
| Senator Lemm      | Y    |
| Senator Oban      | Y    |
| Senator Wobbema   | Ab   |

**2:03 PM**

*Lynn Wolf, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2028: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2028 was placed on the Eleventh order on the calendar.

**2021 HOUSE EDUCATION**

**SB 2028**

# 2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee  
Coteau AB Room, State Capitol

SB 2028  
3/10/2021

|  |
|--|
| Relating to education stabilization fund usage, the revolving printing fund, school reports, scholarships for 2009-10 high school graduates, district participation in the Goals 2000 Educate America Act, and a report on the use of state funds for professional development |
|--|

**Chairman Owens** opened the hearing at 9:00 AM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Zubke, Guggisberg and Hager present.

## Discussion Topics:

- Interim committee report

**Dustin Assel**, Legislative Council, #7987

**Written testimony:** #7699, #8457

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

## 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           | Y    |
| Representative Donald Longmuir        | Y    |
| Representative Andrew Marschall       | Y    |
| Representative Brandy Pyle            | Y    |
| Representative David Richter          | Y    |
| Representative Denton Zubke           | Y    |

**Motion carried. 11-0-2 Rep. Heinert** is the carrier.

**Chairman Owens** closed the hearing at 9:05 AM.

*Bev Monroe, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2028: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2028 was placed on the Fourteenth order on the calendar.



# North Dakota Legislative Council

Prepared by the Legislative Council staff  
March 2021

## TESTIMONY - SENATE BILL NO. 2028 HOUSE EDUCATION (ROOM - COTEAU AB - 9:00 A.M.) MARCH 10, 2021

Chairman Owens and members of the House Education Committee, good morning. For the record, my name is Dustin Assel. I am a staff attorney with the Legislative Council. I staffed the most recent interim Education Policy Committee, which worked on, drafted, and recommended Senate Bill No. 2028 (2021), which is before you today. This testimony is provided in a neutral capacity. I am here only to provide background and information regarding the recommendations of the interim committee.

The bill was introduced by the Legislative Management at the request of the 2019-20 interim Education Policy Committee. The bill crossed over from the Senate in its original introduced form without any amendments. House Concurrent Resolution 3011 (2019) directed a study of provisions of the North Dakota Century Code which relate to the provision of elementary and secondary education to recommend changes to any laws found to be irrelevant, duplicative, inconsistent, or unclear. The last study and statutory rewrite of provisions relating to elementary and secondary education occurred in the late 1990s and was completed in 2001. Since 2001 there have been several hundred bills which primarily affected Title 15.1, the title of the North Dakota Century Code which houses the vast majority of the laws addressing elementary and secondary education. The title currently consists of 41 active chapters of law.

During the course of the of the interim committee's work on this topic, the committee indicated that a complete rewrite of the title, if undertaken, would take multiple interims to complete. The committee generally agreed that before a rewrite was undertaken, the committee first needed to receive input from education stakeholders to determine if provisions existed in Title 15.1 which were irrelevant, inconsistent, duplicative, or unclear. The committee received testimony from a representative of a stakeholder group that included school administrators. The stakeholder group reviewed provisions in Title 15.1. The testimony indicated there were 6 provisions in Title 15.1 which were potentially redundant or obsolete, and which could be repealed. The interim committee ultimately agreed, and Senate Bill No. 2028 (2021) was brought forth to repeal the provisions found to be redundant and obsolete.

### EXPLANATION OF THE BILL

Senate Bill No. 2028 (2021) repeals 6 sections of North Dakota Century Code as follows:

- Section 15.1-02-20: Addresses education stabilization fund dollars received by school districts as a result of the American Recovery and Reinvestment Act of 2009, which was a federal stimulus package enacted in 2009. The Act provided one-time stimulus funding over 10 years ago.
- Section 15.1-3-03: Addresses the revolving printing fund and allows school districts to purchase instructional materials developed and printed by DPI at cost, the money is deposited in the fund.
- Section 15.1-06-18: Addresses school reports completed by school districts and forwarded to the Governor through the superintendent of public instruction. The section allows the governor to convene an ad hoc committee (assembled by the governor to address a specific issue) to review the information and make changes to the information gathering process. The section does not address the specifics of the report by the districts, just the committee and membership. The interim committee questioned the relevance of the section.
- Section 15.1-21-02.7: Addresses North Dakota Scholarship opportunities for students who graduated in 2009-10. Those students graduated over 10 years ago. The interim committee questioned the relevance of the section.

- Section 15.1-21-06: Addresses a school district's ability to participate in the Goals 2000 Educate America Act, which was withdrawn upon the passage of the No child left behind act. The section was determined to be obsolete.
- Section 15.1-21-12: Addresses a report that each school district must file with the superintendent of public instruction annually regarding the use of available funds on professional development. The section was determined to be unnecessary.

Mr. Chairman and members of the committee, that concludes the information I have prepared for you today. Thank you.

# Mandan Public School District

District Offices

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Date: Wednesday, March 10, 2021  
To: North Dakota House Education Committee  
From: Jeff Fastnacht, Asst. Superintendent  
Re: Support for SB 2028

Good Morning Chairman Owens and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School. Today, I am speaking to you as the President of the ND Council of Education Leaders and as an aspiring Doctoral student at the University of Mary.

During the interim I was asked by Senate Education Chairman, Senator Schaible, to organize a group of stakeholders to review chapter 15.1 for the sake of a general cleanup. This request married well with my course requirements for my doctoral work with the University of Mary, so I took on the challenge.

A group consisting of NDASA, NDASB, NDAESP, NDASSP, and NDDPI reviewed and provided input on a long list of possible revisions to this section. These revisions were then reviewed and narrowed. It was our intentions, as a group, to provide a list of revisions of antiquated or outdated statutes that did not impact present policy or the direction for education in our state. On January 7, 2020 I was provided the opportunity to present these findings to the Interim Committee and are the foundation of the bill you have before you today. It is my hope that you find our work beneficial.

Thank you for your time and I would stand for any questions from the committee.





**NDSBA**

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**SB 2028**

**Testimony of Alexis Baxley  
House Education Committee**

**March 9, 2021**

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For this reason, NDSBA supports SB2028 and encourages this committee to give it a do pass recommendation. I would be happy to answer any questions the committee may have.