Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2216
(Senator Schaible)
(Representative Owens)

AN ACT to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 15-19-01, 15-19-02, 15-19-02.1, 15-19-06, 15-19-08, and 15-20.1-03 of the North Dakota Century Code, relating to distance education; and to repeal sections 15-19-03 and 15-19-04 of the North Dakota Century Code, relating to authorization of enrollments to the center for distance education by a superintendent of a school and advertising.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-19-01 of the North Dakota Century Code is amended and reenacted as follows:

15-19-01. ~~Distance~~North Dakota center for distance education courses - Establishment - Enrollment of students - Courses of instruction.

The state shall provide ~~distance education~~kindergarten through grade twelve courses, comprehensive educational support, and high school diplomas through the center for distance education under the following provisions:

1. A complete curriculum ~~by distance education which has been specifically determined by~~prescribed by state-mandated education accreditation entities which meets the requirements for digital education the superintendent of public instruction ~~as proper and suitable for instruction under distance education methods, such determination and approval to be made not less than once in each school year, must be maintained upon the campus of one of the state institutions of higher education~~has determined to be appropriate.

2. ~~Unless specifically excused in writing upon the course application forms by the~~A superintendent or an administrator of ~~the~~a school ~~approving~~may deny the enrollment ~~application, or~~of a student in that district at the center for distance education except as provided in subsection 5~~, all students under the age of sixteen taking advantage of the provisions of this chapter must be required to attend their local district schools and to study their distance education lessons under the supervision of a local supervisor. If not required to attend their local schools, their work may be done at a place designated by the state director. If in attendance at a local school, students must be supplied with desk space in their respective school without charge and shall attend school regularly and be under the same disciplinary supervision of the teachers as the other school students~~.

3. The center for distance education may provide services to persons who are not North Dakota residents.

4. ~~Distance~~Center for distance education students shall pay ~~for books and materials used by them, postage required to mail reports to the center, and other~~ fees as may be prescribed by the state ~~director~~board for career and technical education.

5. Students exempt from the compulsory school attendance laws pursuant to subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education courses offered through the center for distance education. These students may study their center for distance education lessons in their learning environment under the supervision of a parent. ~~The tests for the distance education study must be administered by an individual who is licensed to teach by the education standards and practices board or approved to teach by the education~~

~~standards and practices board and employed either by the public school district in which the parent resides or a state-approved private or nonpublic school.~~

SECTION 2. A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

Definitions.

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education.

SECTION 3. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is amended and reenacted as follows:

15-19-02. Administration ~~- Director of center~~Center for distance education - Appointment and duties.

The program of and all activities related to the center for distance education are the responsibility of the center for distance education and under the ~~supervision~~authority of the ~~educational technology council~~state board for career and technical education. The ~~educational technology council shall~~director of the department of career and technical education shall hire ~~a state director of~~administration and staff for the center for distance education who must be classified under the state personnel merit system. The ~~director~~administration of the center shall carry out the ~~director's~~ responsibilities in ~~the administration of~~operating the center for distance education in the manner approved by the ~~educational technology council~~state board for career and technical education, under the supervision of the director of the department of career and technical education, and compliant with requirements established by the superintendent of public instruction and the education standards and practices board for public school administrators and teachers. The state board for career and technical education shall administer the responsibilities of the board of a school district relating to the center for distance education.

SECTION 4. AMENDMENT. Section 15-19-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15-19-02.1. Distance education clearinghouse.

The ~~director of the~~ administration of the center for distance education shall establish a clearinghouse for online courses delivered to North Dakota schools for the purpose of providing:

1. A list of the online courses and providers for all North Dakota schools to access.
2. Awareness of online courses available in new and emerging careers.
3. A list of comparative prices for online courses and other online services.
4. Awareness of the differences between technological innovation and learning innovation.

SECTION 5. AMENDMENT. Section 15-19-06 of the North Dakota Century Code is amended and reenacted as follows:

15-19-06. Special funds - Deposit of collections - Transfers from general fund appropriations.

1. A special operating fund for the center for distance education must be maintained within the state treasury and all income and fees collected by the center for distance education from any source must be remitted monthly by the director to the state treasurer and credited to the special operating fund. All expenditures from the fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the ~~technology director appointed by the educational technology council~~director. Upon approval of the vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. ~~The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the center for distance education general fund appropriation to the special operating fund whenever its balance falls so low as to require supplementation.~~

2. ~~The educational technology council may establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the center for distance education. The administrative operational fund must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the center for distance education for the payment of necessary expenses in the administration and operation of the center for distance education within the limits and rules prescribed by the educational technology council. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the council in accordance with the rules adopted by the council, and thereafter the council may periodically authorize additional transfers to the administrative operational fund, but the balance in the fund may never exceed ten thousand dollars, and any unencumbered balance at the end of any biennium must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director.~~

~~3.~~ The ~~educational technology council~~state board for career and technical education may establish ~~a~~an endowment and scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance education. The endowment and scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the ~~council or the~~ center for distance education as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the ~~council or~~ center for distance education which is designated by the ~~council~~state board for career and technical education and donor for the endowment and scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. ~~The state director of the center for distance education may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the educational technology council. The interest earned by the scholarship fund is appropriated to the center for distance education.~~ The center for distance education may draw on the endowment and scholarship fund for the award of endowments and scholarships within the limits and rules adopted by the state board for career and technical education.

SECTION 6. AMENDMENT. Section 15-19-08 of the North Dakota Century Code is amended and reenacted as follows:

15-19-08. Distance education ~~work~~support and services.

The amount of money appropriated by the legislative assembly for distance education ~~work~~support and services for a biennium, or so much thereof as may be necessary, must be expended first for work provided by distance education as determined by the center for distance education and approved by the state board for career and technical education.

SECTION 7. AMENDMENT. Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

15-20.1-03. Powers and duties of state board relating to career and technical education.

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
   a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
   b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. <u>To administer and supervise the program and all activities of the center for distance education.</u>

SECTION 8. REPEAL. Sections 15-19-03 and 15-19-04 of the North Dakota Century Code are repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2216.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 91	Nays 0	Absent 3

Secretary of the Senate

Received by the Governor at 8:17 AM. on April 23, 2019.

Approved at 9:00 PM. on April 25, 2019.

Governor

Filed in this office this 26th day of April, 2019,

at 9:19 o'clock A. M.

Secretary of State