

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2186**

Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to the creation of an innovative education program; to amend and
3 reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers;
4 and to provide for a report.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-06-08.1. Statutes - Waiver.**

- 9 1. The superintendent of public instruction may not waive any statute, in whole or in part,
10 except as provided for in this section.
- 11 2. A school or school district may apply to the superintendent of public instruction for a
12 waiver of ~~section 15.1-21-03~~ chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21,
13 15.1-22, 15.1-25, 15.1-32, and 15.1-38, provided or any associated rules, if the waiver:
14 a. Encourages innovation; and Improves the delivery of education;
15 b. ~~Has the potential to result in improved educational opportunities or enhanced~~
16 ~~academic opportunities for the students~~ Improves the administration of education;
17 c. Provides increased educational opportunities for students; or
18 d. Improves the academic success of students.
- 19 3. The initial waiver must be for a specific period of time but may not exceed one year.
20 The school district may apply for extensions of the waiver. The first extension may not
21 exceed a period of one year. Additional extensions may not exceed periods of two
22 years.
- 23 4. If the superintendent of public instruction, after receipt and consideration of an
24 application for a waiver under this section, approves the waiver, the superintendent

1 shall file a report with the legislative ~~council~~management. The report must provide a
2 detailed account of the reasons for which the waiver was granted and the specific time
3 period for the waiver. If the superintendent of public instruction denies an application
4 for a waiver under this section, the superintendent shall file a notice of denial with the
5 legislative ~~council~~management. If requested, the superintendent shall appear and
6 respond to questions regarding the approval or denial of any application for a waiver
7 under this section.

- 8 5. The superintendent of public instruction shall adopt rules governing the submission
9 and evaluation of applications and the monitoring of any school or school district that
10 receives a waiver under this section.

11 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Innovative education program - Participation - Reports to legislative management.**

- 14 1. The superintendent of public instruction shall adopt rules to administer this section and
15 develop criteria for the submission, approval, and evaluation of the proposals and
16 plans under this section.
- 17 2. The superintendent of public instruction may accept a proposal from any public or
18 nonpublic school, upon approval by the school board or governing board, for
19 participation in an innovative education program. The proposal must include
20 evaluation criteria and specify the innovations to be pursued at the school or school
21 district level and the manner in which the proposal will:
- 22 a. Improve the delivery of education;
23 b. Improve the administration of education;
24 c. Provide increased educational opportunities for students; or
25 d. Improve the academic success of students.
- 26 3. The superintendent of public instruction may approve the proposal, reject the
27 proposal, or work with the submitting school to modify the proposal.
- 28 4. During the school's initial year of participation in the innovative education program, the
29 school shall develop a comprehensive implementation plan and work with the
30 superintendent of public instruction to ensure the long-term viability of the proposal.

- 1 5. The superintendent of public instruction may approve the comprehensive
2 implementation plan developed under subsection 4 for a period of up to five years. If,
3 due to a change in circumstances, there is a determination by either the school or the
4 superintendent of public instruction that modifications to the comprehensive
5 implementation plan are necessary, the school and the superintendent of public
6 instruction shall work with each other to achieve the necessary modifications.
- 7 6. The superintendent of public instruction may revoke any waiver granted under section
8 15.1-06-08.1 if the superintendent of public instruction determines the school has
9 failed to perform in accordance with the agreed upon terms of the program or failed to
10 meet the requirements of this section.
- 11 7. Any school participating in the program shall provide program evaluation data to the
12 superintendent of public instruction at the time and in the manner requested by the
13 superintendent of public instruction.
- 14 8. The superintendent of public instruction shall provide annual reports to the legislative
15 management regarding the innovative education program, including:
 - 16 a. The status of the implementation plan;
 - 17 b. A summary of any waived statutes or rules; and
 - 18 c. A review of evaluation data results.