

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1019

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 career and technical education; ~~to amend and reenact sections 15-19-00.1, 15-19-01, 15-19-02,~~
3 ~~15-19-06, 15-19-08, 15-20.1-03, and 15.1-02-04 of the North Dakota Century Code, relating to~~
4 ~~the administration of the center for distance education; and~~ to provide an exemption; and to
5 provide for a report.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the department of career and technical education for the purpose of defraying
11 the expenses of the department of career and technical education, for the biennium beginning
12 July 1, 2023, and ending June 30, 2025, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
15 Salaries and wages	\$4,643,906	\$798,036	\$5,441,942
16 <u>Salaries and wages</u>	<u>\$4,643,906</u>	<u>\$316,835</u>	<u>\$4,960,741</u>
17 Operating expenses	2,198,453	679,897	2,878,350
18 Grants	9,507,349	2,000,000	11,507,349
19 Grants - secondary	26,837,780	14,200,000	41,037,780
20 <u>Grants - secondary</u>	<u>26,837,780</u>	<u>18,200,000</u>	<u>45,037,780</u>
21 Marketplace for kids	300,000	0	300,000
22 Science, technology, engineering, and 23 mathematics initiative	100,000	0	100,000

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1	Adult farm management	1,706,138	0	1,706,138
2	Workforce training	2,000,000	0	2,000,000
3	<u>Workforce training</u>	<u>2,000,000</u>	<u>500,000</u>	<u>2,500,000</u>
4	Center for distance education	9,461,254	(9,461,254)	0
5	Total all funds	\$56,754,880	\$8,216,679	\$64,971,559
6	Less estimated income	15,019,817	(530,418)	14,489,399
7	Total general fund	\$41,735,063	\$8,747,097	\$50,482,160
8	Full-time equivalent positions	50.30	(26.80)	23.50
9	<u>Statewide area career center initiative</u>	<u>0</u>	<u>26,500,000</u>	<u>26,500,000</u>
10	<u>grant program</u>			
11	<u>Total all funds</u>	<u>\$56,754,880</u>	<u>\$38,735,478</u>	<u>\$95,490,358</u>
12	<u>Less estimated income</u>	<u>15,019,817</u>	<u>25,961,303</u>	<u>40,981,120</u>
13	<u>Total general fund</u>	<u>\$41,735,063</u>	<u>\$12,774,175</u>	<u>\$54,509,238</u>
14	<u>Full-time equivalent positions</u>	<u>50.30</u>	<u>(28.80)</u>	<u>21.50</u>

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

19	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
20	Statewide area career center initiative grant program	\$88,276,228	\$0
21	Total all funds	\$88,276,228	\$0
22	Less estimated income	88,276,228	0
23	Total general fund	\$0	\$0
24	<u>Statewide area career center initiative grant program</u>	<u>\$88,276,228</u>	<u>\$26,500,000</u>
25	<u>Total other funds</u>	<u>\$88,276,228</u>	<u>\$26,500,000</u>

The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for the 2025-27 biennium. The department of career and technical education shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

~~**SECTION 3. AMENDMENT.** Section 15-19-00.1 of the North Dakota Century Code is amended and reenacted as follows:~~

1 ~~15-19-00.1. Definitions.~~

2 ~~In this chapter, unless the context otherwise requires:~~

3 ~~1. "Administration" includes the leadership of the center for distance education.~~

4 ~~2. "Board" means the state board for career and technical education.~~

5 ~~3. "Center" means the North Dakota center for distance education.~~

6 ~~4.3. "Director~~Superintendent~~" means the director and executive officer of the department of~~
7 ~~career and technical education~~superintendent of public instruction~~.~~

8 ~~SECTION 4. AMENDMENT. Section 15-19-01 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~15-19-01. North Dakota center for distance education courses – Establishment –~~
11 ~~Enrollment of students – Courses of instruction.~~

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

15 ~~1. A complete curriculum prescribed by state-mandated education accreditation entities~~
16 ~~which meets the requirements for digital education the superintendent of public~~
17 ~~instruction has determined to be appropriate.~~

18 ~~2. A superintendent or an administrator of a school may deny the enrollment of a student~~
19 ~~in that district at the center for distance education except as provided in subsection 5.~~

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

22 ~~4. Center for distance education students shall pay fees as may be prescribed by the~~
23 ~~state board for career and technical education~~superintendent~~.~~

24 ~~5. Students exempt from the compulsory school attendance laws pursuant to~~
25 ~~subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education~~
26 ~~courses offered through the center for distance education. These students may study~~
27 ~~their center for distance education lessons in their learning environment under the~~
28 ~~supervision of a parent.~~

29 ~~SECTION 5. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is~~
30 ~~amended and reenacted as follows:~~

~~1 — **15-19-02. Administration Center for distance education – Appointment and duties.**~~

~~2 — The program of and all activities related to the center for distance education are the
3 responsibility of the center for distance education and under the authority of the state board for
4 career and technical education superintendent. The director of the department of career and
5 technical education superintendent shall hire administration and staff for the center for distance
6 education who must be classified under the state personnel merit system. The administration of
7 the center shall carry out the responsibilities in operating the center for distance education in
8 the manner approved by the state board for career and technical education superintendent,
9 under the supervision of the director of the department of career and technical education, and
10 compliant with requirements established by the superintendent of public instruction and the
11 education standards and practices board for public school administrators and teachers. The
12 state board for career and technical education superintendent shall administer the
13 responsibilities of the board of a school district relating to the center for distance education.~~

~~14 — **SECTION 6. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is
15 amended and reenacted as follows:~~

~~16 — **15-19-06. Special funds – Deposit of collections – Transfers from general fund
17 appropriations.**~~

~~18 — 1. — A special operating fund for the center for distance education must be maintained
19 within the state treasury and all income and fees collected by the center for distance
20 education from any source must be remitted monthly by the director superintendent to
21 the state treasurer and credited to the special operating fund. All expenditures from the
22 fund must be within the limits of legislative appropriations and must be made upon
23 vouchers, signed and approved by the director. Upon approval of the vouchers by the
24 office of the budget, warrant checks must be prepared by the office of management
25 and budget.~~

~~26 — 2. — The state board for career and technical education superintendent may establish an
27 endowment and scholarship fund to provide financial grants to students enrolled in
28 courses offered through the center for distance education. The endowment and
29 scholarship fund may consist only of those funds specifically appropriated by the
30 legislative assembly and property received by the center for distance education as a
31 gift, devise, or bequest. Any gift, devise, or bequest of property received by the center~~

1 for distance education which is designated by the state board for career and technical
2 educationsuperintendent and donor for the endowment and scholarship fund must be
3 deposited in the scholarship fund at the Bank of North Dakota. The center for distance
4 education may draw on the endowment and scholarship fund for the award of
5 endowments and scholarships within the limits and rules adopted by the state board
6 for career and technical educationsuperintendent.

7 — **SECTION 7. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 — **15-19-08. Distance education support and services.**

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

14 — **SECTION 8. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 — **15-20.1-03. Powers and duties of state board relating to career and technical
17 education.**

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

22 — 1. — To administer any legislation enacted by the legislative assembly of this state pursuant
23 to or in conformity with acts of Congress relating to career and technical education.

24 — 2. — To administer the funds provided by the federal government and by this state for the
25 promotion of career and technical education and to contract with:

26 — a. — Any public or private institution or agency, board of trustees of any agricultural
27 and training school, or school district of this state; or

28 — b. — Any public or private institution or agency, or political subdivision, of another
29 state.

1 ~~3. To formulate plans for the promotion of career and technical education in such~~
2 ~~subjects as are an essential and integral part of the public school system of education~~
3 ~~in this state.~~

4 ~~4. To provide for the preparation of teachers.~~

5 ~~5. To fix the compensation of such officers and assistants as may be necessary to~~
6 ~~administer the federal acts and the provisions of this chapter relating to career and~~
7 ~~technical education and to pay the same and other necessary expenses of~~
8 ~~administration from any funds appropriated for such purpose.~~

9 ~~6. To make studies and investigations relating to career and technical education.~~

10 ~~7. To promote and aid in the establishment of schools, departments, or classes, and to~~
11 ~~cooperate with local communities in the maintenance of career and technical~~
12 ~~education schools, departments, or classes.~~

13 ~~8. To prescribe the qualifications and provide for the certification of teachers, directors,~~
14 ~~and supervisors.~~

15 ~~9. To cooperate with governing bodies of school districts and with organizations and~~
16 ~~communities in the maintenance of classes for the preparation of teachers, directors,~~
17 ~~and supervisors of career and technical education, to maintain classes for such~~
18 ~~purposes under its own direction and control, and to establish and control, by general~~
19 ~~regulations, the qualifications to be possessed by persons engaged in the training of~~
20 ~~career and technical education teachers.~~

21 ~~10. To coordinate new and existing farm management programs offered by any state~~
22 ~~agency or entity.~~

23 ~~11. To create and expand marketing clubs as adjuncts to new and existing farm~~
24 ~~management programs.~~

25 ~~12. To administer and supervise the program and all activities of the center for distance~~
26 ~~education.~~

27 ~~**SECTION 9. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

29 ~~**15.1-02-04. Superintendent of public instruction – Duties. (Effective through June 30,**~~
30 ~~**2023)**~~

31 ~~The superintendent of public instruction:~~

- 1 ~~1. Shall supervise the provision of elementary and secondary education to the students~~
2 ~~of this state.~~
- 3 ~~2. Shall supervise the establishment and maintenance of schools and provide advice and~~
4 ~~counsel regarding the welfare of the schools.~~
- 5 ~~3. Shall supervise the development of course content standards.~~
- 6 ~~4. Shall supervise the assessment of students.~~
- 7 ~~5. Shall serve as an ex officio member of the board of university and school lands.~~
- 8 ~~6. Shall keep a complete record of all official acts and appeals.~~
- 9 ~~7. As appropriate, shall determine the outcome of appeals regarding education matters.~~
- 10 ~~8. Shall direct school district annexation, reorganization, and dissolution and employ and~~
11 ~~compensate personnel necessary to enable the state board of public school education~~
12 ~~to carry out its powers and duties regarding school district annexation, reorganization,~~
13 ~~and dissolution.~~
- 14 ~~9. Shall facilitate a process to review and update annually the statewide prekindergarten~~
15 ~~through grade twelve education strategic vision. The process must include input and~~
16 ~~participation from a steering committee that includes representatives of all state-level~~
17 ~~entities receiving state education funding and education stakeholder groups. Each~~
18 ~~steering committee member entity receiving state education funds shall provide~~
19 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
20 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
21 ~~plans of each committee member entity receiving state education funds. The~~
22 ~~superintendent shall provide the collaborative report and any updates to the strategic~~
23 ~~vision to the legislative management during each interim and to a joint meeting of the~~
24 ~~education standing committees during each regular legislative session.~~
- 25 ~~10. Shall administer a student loan forgiveness program for individuals teaching at grade~~
26 ~~levels, in content areas, and in geographical locations identified as having a teacher~~
27 ~~shortage or critical need.~~
- 28 ~~11. Shall facilitate the development and implementation of a North Dakota learning~~
29 ~~continuum in collaboration with the department of career and technical education,~~
30 ~~upon the recommendation of the kindergarten through grade twelve education~~
31 ~~coordination council.~~

1 ~~12. Shall collaborate with workforce development stakeholders and the kindergarten-~~
2 ~~through grade twelve education coordination council to determine how best to~~
3 ~~integrate computer science and cybersecurity into elementary, middle, and high school~~
4 ~~curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the~~
5 ~~superintendent shall provide a report to the legislative management regarding the~~
6 ~~outcome of this collaboration.~~

7 ~~13. Shall administer and supervise the program and activities of the center for distance~~
8 ~~education.~~

9 ~~**Superintendent of public instruction – Duties. (Effective after June 30, 2023)**~~

10 ~~The superintendent of public instruction:~~

11 ~~1. Shall supervise the provision of elementary and secondary education to the students~~
12 ~~of this state.~~

13 ~~2. Shall supervise the establishment and maintenance of schools and provide advice and~~
14 ~~counsel regarding the welfare of the schools.~~

15 ~~3. Shall supervise the development of course content standards.~~

16 ~~4. Shall supervise the assessment of students.~~

17 ~~5. Shall serve as an ex officio member of the board of university and school lands.~~

18 ~~6. Shall keep a complete record of all official acts and appeals.~~

19 ~~7. As appropriate, shall determine the outcome of appeals regarding education matters.~~

20 ~~8. Shall direct school district annexation, reorganization, and dissolution and employ and~~
21 ~~compensate personnel necessary to enable the state board of public school education~~
22 ~~to carry out its powers and duties regarding school district annexation, reorganization,~~
23 ~~and dissolution.~~

24 ~~9. Shall facilitate a process to review and update annually the statewide prekindergarten~~
25 ~~through grade twelve education strategic vision. The process must include input and~~
26 ~~participation from a steering committee that includes representatives of all state-level~~
27 ~~entities receiving state education funding and education stakeholder groups. Each~~
28 ~~steering committee member entity receiving state education funds shall provide~~
29 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
30 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
31 ~~plans of each committee member entity receiving state education funds. The~~

~~superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.~~

~~10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.~~

~~11. Shall administer and supervise the program and activities of the center for distance education.~~

SECTION 3. ESTIMATED INCOME - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - STATEWIDE AREA CAREER CENTER INITIATIVE GRANT PROGRAM -

LEGISLATIVE MANAGEMENT REPORT. The estimated income line item in section 1 of this Act includes the sum of \$26,500,000 from the federal coronavirus capital projects fund for the purpose of defraying inflationary costs of existing projects approved under the statewide area career center initiative grant program during the 2021-23 biennium. The department of career and technical education must distribute the funding to existing career academy projects proportionally based on funding allocations provided to each project during the 2021-23 biennium. If funding approved in this section is provided for a career academy project and the funding becomes uncommitted during the 2023-25 biennium, the department of career and technical education may redistribute the funding for existing projects under the program during the biennium beginning July 1, 2023, and ending June 30, 2025. The department of career and technical education shall report to the legislative management during the 2023-24 interim and to the appropriations committees of the sixty-ninth legislative assembly regarding the amount of inflationary funding provided for each project and the construction status of each project.

SECTION 4. EXEMPTION - STATEWIDE AREA CAREER CENTER INITIATIVE GRANT PROGRAM. The amount of \$20,000,000 appropriated from federal funds derived from the state fiscal recovery fund for the statewide area career center initiative grant program in section 1 of chapter 548 of the 2021 [Special Session](#) Session Laws is not subject to section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and ending June 30, 2025.

1 **SECTION 5. EXEMPTION - STATEWIDE AREA CAREER CENTER INITIATIVE GRANT**
2 **PROGRAM - UNCOMMITTED FUNDS.** Notwithstanding section 1 of chapter 548 of the
3 2021 Special Session Session Laws, if funding approved for a career academy project under
4 the statewide area career center initiative grant program becomes uncommitted after
5 December 31, 2022, the department of career and technical education may redistribute the
6 funding for existing projects under the program during the biennium beginning July 1, 2023, and
7 ending June 30, 2025.

8 **SECTION 6. WORKFORCE TRAINING GRANTS - SALARIES AND WAGES EXPENSES.**
9 The workforce training line item in section 1 of this Act includes the sum of \$500,000 from the
10 general fund which the department of career and technical education shall distribute to each
11 eligible organization in the state dedicated to expanding workforce opportunities, training, and
12 education for the purpose of defraying salaries and wages expenses of the organization's
13 employees. The department of career and technical education shall distribute the funding
14 identified in this section as follows:

- | | | |
|----|---|-----------|
| 15 | 1. An organization in the northwest region of the state | \$230,000 |
| 16 | 2. An organization in the northeast region of the state | \$40,000 |
| 17 | 3. An organization in the southwest region of the state | \$120,000 |
| 18 | 4. An organization in the southeast region of the state | \$110,000 |