

Brief HB1461 Narrative

HB1461 included these provisions:

- Withdraw North Dakota from the Smarter Balanced Assessment Consortium.
- Bar the Department of Public Instruction from supporting the North Dakota State Standards in math and English, which were based on the Common Core State Standards.
- Require local school districts to determine their own math and English content standards, and their own testing methods, until new standards had been “developed, approved by the legislative assembly, and fully implemented.”
- Establish an interim legislative committee to supervise the development of new English and math academic content standards.

The bill was reported to the House floor in two forms. One was the original bill, unamended. The second was a “minority report” that was supported by some members of the House Education Committee.

When the House debate began, the minority report was withdrawn. HB1461 was then divided into two parts, Division A and Division B.

Division A required the state to withdraw from the Smarter Balanced Assessment Consortium. It failed, 43-46, with five representatives absent.

Division B barred the Department of Public Instruction from supporting the North Dakota State Standards in math and English. It failed, 0-89, with five members absent.

Attached are copies of HB1461 as introduced, the minority report, and the pages of the North Dakota House journal that provide detail about the votes on Division A and Division B.

HOUSE BILL NO. 1461

Introduced by

Representatives Kasper, Rick C. Becker, Belter, Dosch, Kempenich, Ruby, Streyle,
Thoreson, Vigesaa

Senators Bowman, Dever, Larsen

1 A BILL for an Act to create and enact a new section to chapter 15.1-02, two new sections to
2 chapter 15.1-21, and a new section to chapter 54-06 of the North Dakota Century Code, relating
3 to the authority of the superintendent of public instruction and other state officials and agencies,
4 and to standards and assessments; to amend and reenact sections 15.1-02-04 and 15.1-21-12
5 of the North Dakota Century Code, relating to the duties of the superintendent of public
6 instruction and professional development; to repeal sections 15.1-21-08, 15.1-21-09,
7 15.1-21-10, and 15.1-21-11 of the North Dakota Century Code, relating to state assessments; to
8 provide an appropriation; to provide for a legislative management study; to provide an effective
9 date; and to declare an emergency.

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

11 **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-02-04. Superintendent of public instruction - Duties.**

14 The superintendent of public instruction:

- 15 1. Shall supervise the provision of elementary and secondary education to the students
16 of this state-;
- 17 2. Shall supervise the establishment and maintenance of schools and provide advice and
18 counsel regarding the welfare of the schools-;
- 19 3. Shall ~~supervise~~participate in the development of ~~course~~ content standards-;
- 20 4. Shall supervise the assessment of students-;
- 21 5. Shall serve as an ex officio member of the board of university and school lands-;
- 22 6. Shall keep a complete record of all official acts and appeals-;

- 1 7. As appropriate, shall determine the outcome of appeals regarding education matters; and
2 and
3 8. Shall direct school district annexation, reorganization, and dissolution and employ and
4 compensate personnel necessary to enable the state board of public school education
5 to carry out its powers and duties regarding school district annexation, reorganization,
6 and dissolution.

7 **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Superintendent of public instruction - Authority - Limitation.**

- 10 1. Without statutory authorization by the legislative assembly, the superintendent of
11 public instruction may not commit this state or any political subdivision of this state to
12 participate, at any level, in any organization, consortium, association, or like entity, if
13 the participation requires, will require, or potentially could require either an expenditure
14 of public funds or changes in the laws of this state.
15 2. Without statutory authorization by the legislative assembly, the superintendent of
16 public instruction may not be a signatory to any document that commits this state or
17 any political subdivision of this state to participate, at any level, in any organization,
18 consortium, association, or like entity, if the participation requires, will require, or
19 potentially could require either an expenditure of public funds or changes in the laws of
20 this state.

21 **SECTION 3. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-21-12. Professional development - Use of available funds.**

- 24 1. On or before October first of each year, each school district shall file a report with the
25 superintendent of public instruction indicating:
26 a. The amount and source of funds that were made available to the district for
27 professional development during the preceding school year;
28 b. The amount and source of funds that were expended by the district for
29 professional development during the preceding school year; and

- 1 c. A separate list of the professional development activities in which the district
2 participated during the preceding school year and the amount of time committed
3 to the activities.
- 4 2. The superintendent of public instruction shall compile the information submitted under
5 this section to determine how much of the available funding for professional
6 development was used by school districts in this state and, ~~beginning with the reports~~
7 ~~due on or before October 1, 2002, whether the expenditure correlated with increased~~
8 ~~student achievement on the reading and mathematics tests required by section~~
9 ~~15.1-21-08.~~

10 **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Withdrawal from smarter balanced consortium.**

13 On the effective date of this Act, the governor and the superintendent of public instruction
14 shall provide written notification to the smarter balanced consortium indicating that this state is
15 no longer a participant in the smarter balanced consortium.

16 **SECTION 5.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Interim standards and assessments.**

- 19 1. Beginning with the 2015-16 school year and extending until such time as North Dakota
20 content standards for the areas of English language arts and mathematics have been
21 developed, approved by the legislative assembly, and fully implemented, the board of
22 each school district shall determine the English language arts and mathematics
23 content standards that will be used in the schools of the district and shall determine
24 the manner in which students will be assessed.
- 25 2. A school district may act independently, jointly with one or more school districts, or as
26 a member of a regional education association, to meet the requirements of this
27 section.

28 **SECTION 6.** A new section to chapter 54-06 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Use of state resources - Prohibition.**

2 Beginning on the effective date of this Act, no state official or agency may directly or
3 indirectly utilize state resources in support of or in advancement of:

4 1. The common core standards;

5 2. State standards that are aligned to the common core standards;

6 3. Assessments that are aligned to the common core standards; or

7 4. Assessments that are aligned to the state standards referenced in subsection 2.

8 **SECTION 7. LEGISLATIVE MANAGEMENT STUDY - NORTH DAKOTA CONTENT**

9 **STANDARDS.** The legislative management shall appoint an interim committee to study the
10 development and implementation of North Dakota content standards in the areas of English
11 language arts and mathematics.

12 1. a. The interim committee shall appoint a working group that includes legislators,
13 school district administrators, higher education faculty members who are content
14 experts in the areas of English language arts or mathematics, teachers, parents,
15 representatives of business, state officials, and governmental staff, to review
16 existing English language arts and mathematics content standards from a variety
17 of states and sources, including the standards used in California and
18 Massachusetts prior to the adoption of common core standards, and based on its
19 findings, provide for the development of North Dakota content standards for each
20 grade from kindergarten through twelve, in the referenced areas. The North
21 Dakota content standards must be internationally benchmarked to ensure that
22 North Dakota students are prepared to achieve and succeed in a knowledge-
23 based globally competitive society and economy.

24 b. For purposes of this subsection, "internationally benchmarked" means highly
25 correlated to standards used in high-performing countries, as defined in
26 accordance with scholastic performance rankings published by the program for
27 international student assessment and the trends in international mathematics and
28 science study.

29 2. a. The interim committee may contract with individuals or organizations, in this state
30 or outside of this state, to accomplish the study directives.

- 1 b. The interim committee shall contract with an individual to serve as an executive
2 director for purposes of overseeing the managerial aspects of the standards
3 development process.
- 4 c. The interim committee shall contract with necessary staff for purposes of
5 addressing the clerical aspects of the standards development process.
- 6 d. The interim committee may provide for the creation of any necessary
7 professional and citizen review panels prior to finalization of the content
8 standards.
- 9 3. The interim committee shall receive regular progress reports from the working group
10 referenced in subsection 1 and shall provide frequent opportunities for members of the
11 public to provide input during the content standards development process.
- 12 4. a. Once the working group has completed its charge in accordance with this
13 section, the interim committee shall formally review the content standards
14 proposed by the group and modify the standards as it deems necessary.
- 15 b. The interim committee shall present the proposed North Dakota content
16 standards to the legislative management at the biennial meeting of the legislative
17 management in November 2016.
- 18 5. The legislative management shall report its findings and recommendations, together
19 with the completed content standards, and any legislation required to implement the
20 recommendations and the content standards to the sixty-fifth legislative assembly.

21 **SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general
22 fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the
23 sum as may be necessary, to the legislative council for the purpose of contracting with
24 individuals and organizations necessary to complete the study directives set forth in section 7 of
25 this Act, for the biennium beginning July 1, 2015, and ending June 30, 2017.

26 **SECTION 9. REPEAL.** Sections 15.1-21-08, 15.1-21-09, 15.1-21-10, and 15.1-21-11 of the
27 North Dakota Century Code are repealed.

28 **SECTION 10. EFFECTIVE DATE.** This Act is effective on July 1, 2015.

29 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.

FIRST ENGROSSMENT
House Amendments - Minority Report
ENGROSSED HOUSE BILL NO. 1461

Introduced by

Representatives Kasper, Rick C. Becker, Belter, Dosch, Kempenich, Ruby, Streyle,
Thoreson, Vigesaa

Senators Bowman, Dever, Larsen

1 A BILL for an Act to create and enact two new sections to chapter 15.1-02 and a new section to
2 chapter 15.1-21 of the North Dakota Century Code, relating to contractual obligations and the
3 suspension of state assessments; to provide for the creation of a North Dakota standards
4 development committee; and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Withdrawal from contractual obligations.**

- 9 1. On the effective date of this Act, the superintendent of public instruction shall provide
10 written notification to any and all parties with whom the superintendent has contracted
11 and indicate that the state of North Dakota, whether as a state or acting by and
12 through the superintendent of public instruction, in the superintendent's capacity as
13 the chief administrative officer of the North Dakota department of public instruction, is
14 required by this section to withdraw immediately from all participation in or obligations
15 otherwise incurred as a result of the contract, if the contract was signed before the
16 effective date of this Act and if the contract in any way, directly or indirectly, pertains to
17 content standards or the assessment of North Dakota students.
- 18 2. On the effective date of this Act, the superintendent of public instruction shall provide
19 to the legislative management a certified copy of all notifications of immediate
20 withdrawal required under subsection 1, together with a sworn or affirmed statement
21 that the superintendent of public instruction has no knowledge of any other documents
22 or commitments that fall within the expressed requirements or the expressed intent of
23 this section.

1 **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Superintendent of public instruction - Authority - Limitation.**

- 4 1. Without statutory authorization by the legislative assembly, the superintendent of
5 public instruction may not commit this state or any political subdivision of this state to
6 participate, at any level, in any organization, consortium, association, or like entity, if
7 the participation requires, will require, or potentially could require either an expenditure
8 of public funds or changes in the laws of this state.
- 9 2. Without statutory authorization by the legislative assembly, the superintendent of
10 public instruction may not be a signatory to any document that commits this state or
11 any political subdivision of this state to participate, at any level, in any organization,
12 consortium, association, or like entity, if the participation requires, will require, or
13 potentially could require either an expenditure of public funds or changes in the laws of
14 this state.

15 **SECTION 3.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
16 and enacted as follows:

17 **State assessments - Administration - Suspension.**

18 Notwithstanding any other law, the administration of state assessments is suspended for
19 the period beginning with the effective date of this Act and ending on June 30, 2017.

20 **SECTION 4. NORTH DAKOTA CONTENT STANDARDS DEVELOPMENT**

21 **COMMITTEE - DUTIES.**

- 22 1. The North Dakota content standards development committee consists of:
- 23 a. One individual who is a content expert in the area of English language arts and
24 currently employed at an institution of higher education in this state;
- 25 b. One individual who is a content expert in the area of mathematics and currently
26 employed at an institution of higher education in this state;
- 27 c. One school district superintendent employed by a district that is not similar in size
28 to that which employs the individual referenced in subdivision d;
- 29 d. One school or school district administrator other than a superintendent;
- 30 e. One individual with a master's degree currently employed by the board of a
31 school district in this state to teach English language arts at the high school level;

- 1 f. One individual with a master's degree currently employed by the board of a
2 school district in this state to teach mathematics at the high school level;
- 3 g. One individual with a master's degree currently employed by the board of a
4 school district in this state to teach English language arts at the elementary level;
- 5 h. One individual with a master's degree currently employed by the board of a
6 school district in this state to teach mathematics at the elementary level;
- 7 i. One individual who by education and experience is familiar with educational
8 technology; and
- 9 k. Four members of the legislative assembly.
- 10 2. a. Each individual referenced in subsection 1 must be selected by a panel
11 consisting of the speaker of the house of representatives, the president pro
12 tempore of the senate, the majority and the minority leader of the house of
13 representatives, and the majority and the minority leader of the senate.
- 14 b. Each individual referenced in subsection 1 must be selected with due regard to
15 the creation of a committee that has balanced perspectives and the capability of
16 fairly and objectively assessing all information to come before it.
- 17 3. The committee shall meet at the call of the superintendent of public instruction, who
18 shall serve as the chairman. The superintendent of public instruction may cast a vote
19 only if needed to break a tie.
- 20 4. a. The committee shall develop North Dakota content standards for each grade
21 from kindergarten through twelve, in the areas of English language arts and
22 mathematics.
- 23 b. The standards must be internationally benchmarked to ensure that North Dakota
24 students are prepared to achieve and succeed in a knowledge-based globally
25 competitive society and economy. For purposes of this subdivision,
26 "internationally benchmarked" means highly correlated to standards used in
27 high-performing countries, as defined in accordance with scholastic performance
28 rankings published by the program for international student assessment and the
29 trends in international mathematics and science study.

1 5. Before August 1, 2016, the committee shall present the completed content standards
2 to the legislative management, together with any recommendations regarding the
3 adoption of the standards.

4 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, February 11, 2015

The House convened at 1:00 p.m., with Acting Speaker Devlin presiding.

The prayer was offered by Shera Nesheim, Diaconal Ministry, Heart River Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Boe, Brandenburg, Frantsvog, and M. Nelson.

A quorum was declared by the Acting Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Twenty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 427, line 39, replace "0 NAYS, 3 ABSENT" with "3 NAYS, 0 ABSENT"

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to HB 1049, HB 1089, HB 1133, HB 1173, HB 1215, HB 1234, HB 1262, HB 1273, HB 1282, HB 1285, HB 1286, HB 1295, HB 1299, HB 1327, HB 1350, HB 1359, HB 1426, and HB 1464.

HB 1049, HB 1234, HB 1273, HB 1282, HB 1285, HB 1286, and HB 1359, as amended, were rereferred to the **Appropriations Committee**.

HB 1089, HB 1133, HB 1173, HB 1215, HB 1262, HB 1295, HB 1299, HB 1327, HB 1350, HB 1426, and HB 1464, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEVENTH ORDER OF BUSINESS**MOTION**

Rep. Schatz moved that the report of the Minority be withdrawn on HB 1461, which motion prevailed. HB 1461 was placed on the eleventh order of business.

MOTION

REP. VIGESAA MOVED that HB 1461 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to create and enact two new sections to chapter 15.1-02 and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to contractual obligations and the suspension of state assessments; to provide for the creation of a North Dakota standards development committee; and to declare an emergency.

REQUEST

REP. B. KOPPELMAN REQUESTED that the House divide HB 1461, which request was granted.

DIVISION A: Sections 4,10,11

DIVISION B: 1,2,3,5,6,7,8,9

ROLL CALL

The question being on the final adoption of Division A of HB 1461, the roll was called and there were 43 YEAS, 46 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker, Rich S.; Becker, Rick C.; Boehning; Brabandt; Carlson; Damschen; Delzer; Devlin; Dosch; Froseth; Headland; Kading; Karls; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Looyesen; Louser; Meier; Monson; Olson; Paur; Porter; Rohr; Ruby; Schatz; Seibel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Speaker Belter

NAYS: Amerman; Anderson, D.; Anderson, P.; Beadle; Bellew; Boschee; Delmore; Dockter; Fehr; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Keiser; Kelsh; Klemin; Kretschmar; Larson; Lefor; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha; Nathe; Onstad; Oversen; Owens; Pollert; Sanford; Schmidt; Schneider; Schreiber Beck; Silbernagel; Strinden; Wallman; Zubke

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, J.; Nelson, M.

Division A of HB 1461 failed on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of HB 1461, the roll was called and there were 0 YEAS, 89 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, J.; Nelson, M.

Division B of HB 1461 failed on a recorded roll call vote.

HB 1461 was deemed failed.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact sections 53-06.2-01 and 53-06.2-11 of the North Dakota Century Code, relating to the establishment of the racetrack infrastructure fund and grant program; to provide a continuing appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 66 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, D.; Anderson, P.; Beadle; Boehning; Carlson; Delmore; Glassheim; Haak; Hawken; Hunskor; Kelsh; Kretschmar; Maragos; Martinson; Mitskog; Mooney; Nathe; Onstad; Oversen; Schneider; Streyle; Strinden

NAYS: Anderson, B.; Becker, Rich S.; Becker, Rick C.; Bellew; Boschee; Brabandt; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Guggisberg; Hanson; Hatlestad; Headland; Hofstad; Hogan; Holman; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyesen; Louser; Meier; Mock;