



As many of you are probably aware, school funding has been a hot topic at the Legislature and in the news this past week. The discussion resulted from an alleged allocation error discovered by Jodi Smith, the North Dakota Land Commissioner. Specifically, the issue involves the state's share of oil extraction tax revenue generated by activity on the Fort Berthold Indian Reservation. Commissioner Smith said she discovered that two constitutional funds, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund, have been shorted more than \$120 million in roughly the past decade. The funds were instead deposited into other state funds. The two shorted funds benefit K-12 education and are an important source of funding for all public schools in the state. To listen to Commissioner Jodi Smith explain the situation in more detail during an appearance on the Say Anything podcast earlier this week, click [here](#) (about 13 mins into the podcast). The State Treasurer Kelly Schmidt, whose office is responsible for distributing the revenue to the appropriate funds, disagrees that a misallocation occurred and claims that years ago the Attorney General's office found the distribution have been made correctly. Legislative leadership met this week to discuss a possible resolution and just yesterday, SB 2362 was introduced as a delayed bill and seeks to clarify that 20% of the state's share of oil and gas extraction tax from production on the Fort Berthold Indian Reservation must be deposited into the Commons Schools Trust Fund and the Foundation Aid Stabilization Fund.

Key Issues

Both chambers are wasting no time moving bills through committee and onto the floor. Indeed, several education-related bills have already received committee recommendations and were heard on the floor this week. **HB 1262**, as amended and passed in the House, would have added a new section to chapter 54-12 of the NDCC permitting the attorney general to expand a statewide school safety and crisis reporting program if funding became available. The Senate Education issued a do not pass recommendation by a vote of 7-0 and the bill was killed on the floor of the Senate by a vote of 2-42. **HB 1385** mandates the completion of a national safety council defensive driving course by all school bus drivers within the first year of employment and at least once every five years thereafter. The bill received a do pass recommendation from the Senate Transportation Committee and passed on the floor of the Senate by a vote of 44-1. The bill will now move to the Governor's desk for signature. **HB 1369** sought to clarify the requirements as to the payment of the costs of school bus driver physical examinations. NDSBA supported the bill and the Senate Education Committee, after adopting a minor amendment to the bill, issued a do pass recommendation. The bill passed the Senate Floor by a vote of 44-1. **HB 1201** proposed to clean up some confusion as to the timing of recall elections of elected officials in relation to annual election. The Senate Political Subdivisions Committee issued a do pass recommendation and it passed on the floor of the Senate by a vote of 43-0. The bill will now to the Governor for signature. Finally, **SB 2040**, which relates to the treatment of property owned by a political subdivision when calculating protests against the formation of a special improvement district. The bill was amended by the House Finance and Tax Committee and was given a do pass recommendation. The bill, as amended, passed on the floor of the House by a vote of 87-2.

The NDSBA team returned to committee work this week on handful of primary bills. The Senate Education Committee heard **HB 1335**, which, as amended by the House, would prohibit a school district from having a dress code policy that prohibits a student from wearing traditional tribal regalia or objects of cultural significance at a graduation ceremony. The bill defines "tribal regalia" or "object of cultural significance" means an eagle feather or eagle plume. With the amendments, NDSBA appeared in support of the bill. Many schools districts in North Dakota already allow the wearing of an eagle feather or eagle plume at graduation. The Committee issued a do pass recommendation by a vote of 7-0-0. The House Education Committee held a hearing on **SCR 4004**, which called for a study of the impact of violent, disruptive and inappropriate behavior within the educational environment perpetrated by students. NDSBA appeared in support of the bill. The Committee did not take any action on the resolution. NDSBA also appeared in support of **SB 2209** in a hearing before the House Industry and Labor Committee. This bill sought to add further protections from public disclosure for information in the possession of a public entity relating to cybersecurity, threat assessment, threat response plan, and emergency evacuation plan information. The Committee issued a do pass recommendation by a vote of 11-3 and the bill will now move to the House Floor. Finally, the Senate Education Committee held a hearing on **HB 1346**, which seeks to change the required days of instruction in NDCC 15.1-06-04 to a specific number of hours. The bill also addresses the requirements to make up missed instructional time due to weather or other emergency conditions. NDSBA appeared in support of the bill; however, the Committee did not take action on the bill.

Next week is another busy week of committee hearings, including hearings on the following bills: **HB 1501** (relating to suspension of a school board member during pendency of audit); **SB 2255** (relates to changes in school district tax levies and to provide clarity); **HB 1237** (relates to a task force on prevention of sexual abuse of children and child sexual abuse education in schools); **HB 1454** (relates to bid requirements for school districts); **SB 2230** (relates to the prohibition of felons from serving on a school board); **HCR 3011** (resolution that directs a study of those provisions of the NDCC relating to elementary and secondary education); **HB 1429** (relates to administrative authority for the teacher shortage loan forgiveness program); **HB 1434** (relates to dissolution of school districts); **SB 2217** (relates to a teacher incentives for leadership in education program); **SB 2216** (relates to distance education and authorization of enrollments to the

center for distance education); **HB 1346** (relates to the creation of K-12 education coordination council); **HB 1287** (relates to initial teaching licenses for individuals completing alternative teacher certification program); **HB 1531** (relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria); **SB 2181** (relates to cyberbullying of students); **HB 1347** (relates to probationary teacher contracts); **SB 2362** (relates to allocation of oil extraction tax); **HB 1249** (relates to you behavioral health training); **HB 1365** (relates to state foundation aid payments to school districts); **HB 1163** (relates to the criminal penalty for possession of firearm at public gathering including public schools); **HB 1206** (relates to creation of a class 1 exempt firearm license and possession of a firearm or dangerous weapon at a public gathering); and **HB 1332** (armed first responder program in public schools).

Primary Bill List and Status Report

This list includes the primary bills NDSBA is tracking and their current status.

Transportation

<u>HB 1098</u>	This bill says the Department of Transportation may not give a commercial driver's license to an operator unless the person has met entry-level driver training requirements that are set out in federal regulations. (Passed House 73-19, Senate Hearing held 2/7, Amended, Do Pass Recommendation 6-0-0, Passed Senate 44-0)
<u>HB 1385</u>	This bill relates to mandatory safety training for school bus drivers. (Passed House 84-8, Hearing held 2/28, Do Pass Recommendation 6-0-0, Passed Senate 44-1)

School Calendar/Instructional Time/Instruction Content

<u>HB 1237</u>	This bill would require each school district to make information relating to child sexual abuse available to students and parents/legal guardians of students. (Passed House 89-0, Hearing scheduled 3/11)
<u>HB 1346</u>	This bill relates to the number of hours of instruction by school districts and weather emergencies. (Passed House 86-5, Hearing held 3/5)
<u>SB 2149</u>	This bill requires mandatory instruction for students in mental health awareness and suicide prevention. (Passed House 44-3, Hearing held 2/27)
<u>SB 2157</u>	This bill relates to the age of student allowed to be enrolled in driver's training courses. (Passed Senate 47-0, Hearing held 3/6, Do Pass Recommendation 13-0-1)

Teacher Contracts

<u>HB 1347</u>	This bill would allow school boards to nonrenew a teacher who has been teaching for 3 years or less without a due process hearing. (Passed House 59-34, Hearing scheduled 3/13)
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School Safety

<u>HB 1162</u>	This bill changes the definition of "infraction" under the criminal code. (Passed House 91-0, Hearing held 3/6).
<u>HB 1163</u>	This bill changes the criminal penalty for possession of a firearm or dangerous weapon at a public gathering, including a public school from a class B misdemeanor to an infraction. (Passed House 78-14, Hearing scheduled 3/14).
<u>HB 1262</u>	This bill, as amended, would allow for the expansion of existing school safety and crisis reporting programs. (Passed House 82-11, Hearing held 3/4, Do Not Pass Recommendation 7-0-0, Failed Senate 2-42)
<u>HB 1332</u>	This bill would allow a school district to designate an "armed first responder" to possess a firearm or dangerous weapon on school premises. (Passed House 77-15, Hearing scheduled 3/14)
<u>SB 2034</u>	This bill creates exceptions to prohibitions of possession of firearms. (Passed by Senate 46-1, Hearing held 2/28)
<u>SB 2052</u>	This bill would allow districts to create a safety plan and levy five mills with voter approval. (Passed Senate 43-3, emergency clause carried, Hearing held 2/27)
<u>SB 2172</u>	This bill relates the possession of a firearm or dangerous weapon at a public gathering. (Passed Senate 46-0, Hearing held 2/28)
<u>SB 2181</u>	This bill adds cyberbullying off school premises to the definition of bullying under ND law. (Passed Senate 44-1, Hearing scheduled 3/13)
<u>SB 2186</u>	This bill relates to the provision of information regarding school safety and awareness issues to school districts to be posted in school common areas. (Passed Senate 44-1, Hearing held 3/5)
<u>SB 2209</u>	This bill provides that certain records relating to cybersecurity defenses, threat assessments and response plans and emergency response plans are exempt from open records requirements. (Passed Senate 47-0, Hearing held 3/4, Do Pass Recommendation 11-0-3)
<u>SB 2281</u>	This bill relates to limitations on permissible use of force on a child. (Passed Senate 27-19)

Technology & Cyber Security

<u>SB 2101</u>	This bill changes references to PowerSchool in NDCC to "state student information system," and allows the statewide longitudinal data system committee to exempt school districts from implementing "state student information system." (Passed Senate 44-0, Hearing held 3/4, Amended, Do Pass Recommendation 12-0-2)
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<u>SB 2110</u>	This bill would require ITD oversee the cyber security strategy of political subdivisions, including school districts. <i>(Passed Senate 44-0, Hearing held 3/8)</i>
<u>SB 2340</u>	This bill relates to the protection of records regarding emergency planning and response and provides an exemption to open records laws. <i>(Passed Senate 43-1, Hearing held 3/7, Amended, Do Pass Recommendation 11-2-1)</i>
Finance & Tax	
<u>HB 1066</u>	This bill makes changes to the oil and gas tax distribution formula. <i>(Passed House 80-12, Hearing held 3/5, Appropriations Hearing scheduled 3/11)</i>
<u>HB 1067</u>	Relating to municipal bid requirements and certificates of indebtedness. <i>(Passed House 85-4, Hearing held 2/28, Amended, Do Pass Recommendation 6-0-0, Passed Senate 45-0, Returned to House)</i>
<u>HB 1125</u>	This bill relates to plans for cooperating school districts. <i>(Passed House 88-0, Hearing held 3/6).</i>
<u>HB 1365</u>	This bill would make changes to the baseline funding calculation for state aid payments to school districts. <i>(Passed House 71-19, Hearing scheduled 3/13)</i>
<u>HB 1369</u>	This bill relates to the payment of school bus drive physical examinations. <i>(Passed House 88-0, Hearing held 2/28, Amended, Passed 44-1)</i>
<u>HB 1454</u>	This bill relates to bids for school district contracts, increases the threshold amount to \$50,000 and provides an exception for cooperative purchases in the amount in excess of \$50,000 but below \$100,000, and made pursuant to joint powers agreements. <i>(Passed House 92-0, Hearing scheduled 3/11)</i>
<u>SB 2013</u>	This bill includes the appropriation for DPI and the K12 funding formula. <i>(Passed House 46-1, Emergency Clause carried, Hearing held 3/4, Hearing scheduled 3/15)</i>
<u>SB 2040</u>	This bill would prohibit school districts from protesting special improvement districts that included property owned by the district. <i>(Passed Senate 47-0, Hearing held 2/27, Amended, Do Pass Recommendation 12-0-2, Passed House 87-2, Returned to Senate)</i>
<u>SB 2156</u>	This bill would establish an additional vehicle registration fee (25 cents) to be deposited into a driver's education fund and administered by DPI. <i>(Passed Senate 41-4, Hearing held 3/6)</i>
<u>SB 2214</u>	This bill relates to school construction loans, to authorize the use of funds, and to provide a bond issuance limitation. <i>(Passed Senate 47-0, Hearing scheduled 3/12)</i>
<u>SB 2255</u>	This bill relates to changes in school district tax levies. <i>(Passed Senate 46-1, Hearing scheduled 3/11)</i>
<u>SB 2265</u>	This bill relates to the determination of state aid payable to school district and to provide for a study. <i>(Passed Senate 47-0, Hearing held 2/27)</i>
<u>SB 2276</u>	This bill relates to the infrastructure revolving loan fund. <i>(Passed Senate 31-16, Hearing scheduled 3/14)</i>
<u>SB 2312</u>	This bill relates to the allocation of revenue from oil and gas production and oil extraction taxes on production and extraction activity on a reservation. <i>(Passed Senate 40-5, Hearing held 3/5)</i>
<u>SB 2362</u>	This bill relates to the allocation of oil extraction tax from production on the Fort Berthold Indian Reservation, including allocations into the Common Schools Trust Fund and Foundation Aid Stabilization Fund <i>(Hearing scheduled 3/13)</i>
Early Childhood Education	
<u>SB 2250</u>	This bill would require public schools to provide early childhood education services. <i>(Passed House 45-0, Hearing held 2/27)</i>
HR Issues	
<u>SB 2217</u>	This bill would require legislative management to consider studying the feasibility and desirability of creating a teacher incentives for leadership in education program. <i>(Passed Senate 45-1, Hearing scheduled 3/12)</i>
Elections/School Board Membership Requirements	
<u>HB 1117</u>	This bill relates to publication of legal notices in a newspaper and online. <i>(Passed House 89-1, Hearing held 3/1, Do Pass Recommendation 6-0-0, Passed Senate 45-0)</i>
<u>HB 1201</u>	This bill modifies the time period in which an elected official may be recalled if the recall election would occur within one year of the next regularly scheduled election in which the official would be reelected. <i>(Passed House 80-12, Hearing held 2/28, Do Pass Recommendation 6-0-0, Passed Senate 43-0, Sent to Governor)</i>
<u>HB 1501</u>	This bill would give the superintendent of public instruction authority to suspend a board member pending the results of a forensic, fiscal, or performance audit upon the filing of a petition to remove by the governor; bill would further authorize governor to suspend elected or appointed official if audit ordered due to financial irregularities or allegations of embezzlement and if in best interest of state. <i>(Passed House 59-34, Emergency Clause Failed, Hearing scheduled 3/11)</i>
<u>SB 2230</u>	This bill would require criminal background checks for all candidates for school board elections and would prohibit individuals with any felony conviction and other convictions from running for office of school board member. <i>(Passed Senate 32-15, Hearing scheduled 3/11).</i>
<u>SB 2356</u>	This bill, as amended, would provide for a legislative management study regarding absentee voting and voting by mail. <i>(Passed Senate 45-2, Hearing scheduled 3/14)</i>

Mental & Behavioral Health Issues	
HB 1249	This bill, as amended, would add “current or new behavior mitigation techniques” as one of the list of possible required categories of professional development under section 15.1-07-34. (Passed House 82-11, Hearing scheduled 3/13)
SCR 4004	This bill would call for a study regarding impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students. (Passed Senate, Hearing held 3/4)
Licensure/Workforce Shortage	
HB 1287	This bill would require ESPB to grant an initial teaching license to an individual who possess a bachelor’s degree, passes a criminal history record check, and successfully completes the American board for certification of teacher excellence alternative teacher certification program. (Passed House 74-19, Hearing scheduled 3/12)
HB 1429	This bill relates to the administrative authority for teacher shortage loan forgiveness program. (Passed House 82-10, Hearing scheduled 3/11)
HB 1531	This bill relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. (Passed House 82-7, Hearing scheduled 3/12)
SB 2171	This bill relates to credentials of teachers of computer and cyber science. (Passed Senate 46-0, Hearing held 3/5, Do Pass Recommendation 12-0-2)
SB 2353	This bill, as amended, creates a new chapter in Title 43 of the NDCC which addresses uniform board regulation of occupations and professions and to provide for a legislative management study. (Passed Senate 42-5, Hearing scheduled 3/15)

Miscellaneous	
HB 1082	This bill aligns state code with federal regulations implemented by ESSA and relates to policy ABCE. (Passed House 72-16, Hearing held 2/4, Amended, Do Pass Recommendation 4-2-0, Passed Senate 28-17)
HB 1335	This bill would prohibit a school district from adopting a dress code policy that prohibits the wearing of tribal regalia or other objects of cultural significance at school sponsored activities. (Passed house 90-2, Hearing held 3/4, Do Pass Recommendation 7-0-0)
HB 1434	This bill relates to the dissolution of school districts. (Passed House 73-19, Hearing scheduled 3/11)
HB 1461	This bill would require dyslexia screenings and training for teachers and other staff and addresses credentials for dyslexia specialists. (Passed House 87-2)
HB 1464	This bill calls for a study of a school choice program. (Passed House 73-19, Hearing scheduled 3/13)
SB 2025	This bill directs the Superintendent of Public Instruction to call an annual meeting to review the statewide strategic vision for education. (Passed Senate 46-0, Hearing held 2/27, Amended, Do Pass Recommendation 11-0-3)
SB 2148	This bill implements the requirements of Measure 1 relating to restrictions on lobbyists and public officials and the creation of an ethics commission. (Passed Senate 46-0, Hearing scheduled 3/12)
SB 2215	This bill creates a kindergarten through grade twelve education commission to coordinate with schools to support elementary and secondary education in the state. (Passed Senate 47-0, Hearing scheduled 3/12)
SB 2216	This bill relates to the authorization of enrollments to the center for distance education by a school superintendent. (Passed Senate 47-0, Hearing scheduled 3/12)
SB 2300	This bill provides an appropriation to the Department of Health to provide grants to school districts to meet behavioral health needs. (Passed Senate 47-0, Hearing held 2/27)
SB 2357	This bill permits the Bank of ND to provide loans to federal workers affected by the federal shutdown. (Passed Senate 41-4, Hearing held 3/7, Amended, Do Pass Recommendation 8-5-1)
HCR 3011	This resolution directs legislative management to consider studying the provisions of the NDCC relating to provision of elementary and secondary education. (Passed House, Hearing scheduled 3/11)
SCR 4007	This resolution would urge Congress and the FDA to end the marketing and advertising of e-cigarettes to youth. (Passed Senate)

Hearing Schedule (Mar. 4-Mar. 8)

Date	Time	Bill	Committee	Room	Summary
3/11	9 a.m.	HB 1501	Senate Edu	Sheyenne River	Suspending a board members
3/11	9:30 a.m.	SB 2255	House FinTax	Fort Totten	Changes in school district tax levies
3/11	9:30 a.m.	HB 1237	Senate Judiciary	Fort Lincoln	Child sexual abuse education
3/11	10:30 a.m.	HB 1454	Senate Edu	Sheyenne River	Bids for school district contracts
3/11	2:30 p.m.	SB 2230	House Judiciary	Prairie	Board member background checks and prohibitions
3/11	2:30 p.m.	HCR 3011	Senate Edu	Sheyenne River	Studying the K12 chapter of NDCC
3/11	3 p.m.	HB 1066	Senate Approps	Harvest	Prairie Dog

3/11	3 p.m.	HB 1429	Senate Edu	Sheyenne River	Administrative authority for teacher shortage loan forgiveness program
3/11	3:30 p.m.	HB 1434	Senate Edu	Sheyenne River	Dissolution of school districts
3/12	9 a.m.	SB 2217	House Edu	Coteau A	Study of the proposed teacher incentives for leadership program
3/12	9:15 a.m.	SB 2214	House Edu	Coteau A	School construction loans
3/12	9:30 a.m.	SB 2216	House Edu	Coteau A	CDE
3/12	10 a.m.	SB 2215	House Edu	Coteau A	K12 coordination council
3/12	2:30 p.m.	HB 1287	Senate Edu	Sheyenne River	Alternative teacher certification programs
3/12	3 p.m.	HB 1531	Senate Edu	Sheyenne River	Community expert teaching licenses
3/13	9 a.m.	SB 2181	House Edu	Coteau A	Cyberbullying
3/13	9 a.m.	HB 1347	Senate Edu	Sheyenne River	Probationary teacher contracts
3/13	9 a.m.	SB 2362	Senate FinTax	Lewis and Clark	Allocation of oil and gas extraction tax
3/13	9:30 a.m.	HB 1464	Senate Edu	Sheyenne River	Study of developing a school choice program
3/13	2:30 p.m.	HB 1249	Senate Edu	Sheyenne River	Youth behavioral health training
3/13	3 p.m.	HB 1365	Senate Edu	Sheyenne River	Foundation aid and in lieu of dollars
3/14	9:30 a.m.	HB 1163	Senate Energy	Fort Lincoln	Infractions for possessing a firearm
3/14	2 p.m.	HB 1206	Senate Energy	Fort Lincoln	Class 1 E firearms license
3/14	2:15 p.m.	SB 2356	House GVA	Fort Union	Absentee ballots
3/14	2:30 p.m.	HB 1332	Senate Energy	Fort Lincoln	Armed first responders in schools

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2019 Legislative Calendar

Date	Topic
April 19	Good Friday (In 2017 the House and Senate were in session on Good Friday.)
May 2	Session is limited to 80 legislative days