

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2254  
(Senators Kreun, Beard, Weber)  
(Representatives O'Brien, Richter, Schreiber-Beck)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to intervention by the superintendent of public instruction for a chronically low-performing school or school district; to provide a report; and to declare an emergency.

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

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

**Intervention for chronically low-performing schools - Report.**

1. As used in this section, unless context otherwise requires:
  - a. "Chronically low-performing district" means a school district for which auditing and monitoring has revealed a consistent mishandling of processes, reporting, or funds resulting in inadequate educational services for the school district's students and has had chronically low-performing schools within the school district.
  - b. "Chronically low-performing school" means a school identified by the state for comprehensive support and improvement in accordance with the Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.] for more than one cycle.
  - c. "Inadequate educational services" include a lack of annual progress in academic achievement, student engagement, resource allocation, teacher effectiveness, chronic absenteeism, and persistent subgroup opportunity gaps.
2. The superintendent of public instruction shall intervene directly when a public school is a chronically low-performing school and when a school district is a chronically low-performing school district. The superintendent of public instruction shall conduct an assessment and a review of past interventions of a chronically low-performing school or school district to identify areas of insufficient performance and develop an improvement plan. An improvement plan under this section may include a directive from the superintendent of public instruction requiring:
  - a. Funds to be held in escrow for the school or school district or spent as designated by the superintendent of public instruction.
  - b. Changes to curriculum, training, instruction, assessment, or the school calendar in the school or school district.
  - c. Reassignment or hiring of school or school district staff to fill roles associated with school or school district needs.
3. A memorandum of understanding must be entered between the department of public instruction and a chronically low-performing school or school district.
4. A chronically low-performing school or school district shall complete a school board leadership program as required by the department of public instruction.

5. The superintendent of public instruction shall report annually to the state board of public school education, the education standing committees of the legislative assembly during a legislative session, and an interim committee of the legislative management when the legislative assembly is not in a legislative session regarding the implementation of this section.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

\_\_\_\_\_  
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-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2254 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 43                      Nays 3                      Absent 1

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 81                      Nays 7                      Absent 6

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State