

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER 136

SENATE BILL NO. 2196

(Senators Schaible, Davison, Oban)
(Representatives Heinert, Schreiber-Beck, Zubke)

AN ACT to create and enact a new subdivision to subsection 7 of section 15.1-01-04 of the North Dakota Century Code, relating to the duties of the kindergarten through grade twelve education coordination council; and to amend and reenact subsection 1 of section 15.1-01-03, section 15.1-02-04, subsection 3 of section 15.1-21-02, and section 15.1-21-03 of the North Dakota Century Code, relating to the establishment of a North Dakota learning continuum and to instructional time and unit requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The state board of public school education shall:
 - a. Assist county committees in carrying out their duties.
 - b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.
 - c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
 - d. Provide oversight for regional education associations as required by chapter 15.1-09.1.
 - e. Establish and certify a North Dakota learning continuum to allow a district-approved, mastery framework policy to award units required under sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time requirements under section 15.1-21-03, upon the recommendation of the kindergarten through grade twelve education coordination council.

SECTION 2. A new subdivision to subsection 7 of section 15.1-01-04 of the North Dakota Century Code is created and enacted as follows:

Review the North Dakota learning continuum and provide recommendations to the state board of public school education.

SECTION 3. AMENDMENT. Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

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

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic 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 administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.
11. 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.

Superintendent of public instruction - Duties. (Effective after June 30, 2023)

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic 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.

⁶¹ **SECTION 4. AMENDMENT.** Subsection 3 of section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

3. Each unit which must be made available under this section must meet or exceed the state content standards, unless a school district or governing board of a nonpublic high school has adopted a mastery framework policy and awards units based on the successful completion of the relevant portions of the North Dakota learning continuum. A mastery framework policy adopted by a school district or governing board of a nonpublic high school must identify the portions of the North Dakota learning continuum which must be mastered for a student to attain units necessary for high school graduation under section 15.1-21-02.2.

⁶¹ Section 15.1-21-02 was also amended by section 2 of Senate Bill No. 2304, chapter 153.

SECTION 5. AMENDMENT. Section 15.1-21-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-03. High school unit - Instructional time.

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of student engagement per school calendar.
2. The following units must consist of at least one hundred fifty hours of student engagement per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.
5. This section does not apply to units attained from a district-approved mastery framework under section 15.1-21-03.

Approved March 22, 2021

Filed March 23, 2021

CHAPTER 137

HOUSE BILL NO. 1131

(Representatives Strinden, P. Anderson, Mock, Pyle, Satrom, Schatz)
(Senators Davison, Hogan, Kreun, Myrdal, Poolman)

AN ACT to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to credentials for specialists trained in dyslexia.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶² **SECTION 1. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers and administrators.

The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;

⁶² Section 15.1-02-16 was also amended by section 20 of House Bill No. 1013, chapter 13, and section 1 of House Bill No. 1188, chapter 138.

15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing;
19. Credentials for specialists trained in dyslexia;
20. Credentials for teachers of computer and cyber science; and
- ~~20-21.~~ Certificate of completion for paraprofessionals.

Approved April 1, 2021

Filed April 1, 2021

CHAPTER 138

HOUSE BILL NO. 1188

(Representatives Schreiber-Beck, D. Johnson)
(Senator Oban)

AN ACT to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to a certificate of completion for special education technicians; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶³ **SECTION 1. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers and administrators.

The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;

⁶³ Section 15.1-02-16 was also amended by section 20 of House Bill No. 1013, chapter 13, and section 1 of House Bill No. 1131, chapter 137.

15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing;
19. Credentials for teachers of computer and cyber science; and
20. ~~Certificate~~Certificates of completion for special education technicians; and
21. Certificates of completion for paraprofessionals.

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

Approved March 25, 2021

Filed March 26, 2021

CHAPTER 139

SENATE BILL NO. 2028

(Legislative Management)
(Education Policy Committee)

AN ACT to repeal sections 15.1-02-20, 15.1-03-03, 15.1-06-18, 15.1-21-02.7, 15.1-21-06, and 15.1-21-12 of the North Dakota Century Code, relating to education stabilization fund usage, the revolving printing fund, school reports, scholarships for 2009-10 high school graduates, district participation in the Goals 2000 Educate America Act, and a report on the use of state funds for professional development.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁴ **SECTION 1. REPEAL.** Sections 15.1-02-20, 15.1-03-03, 15.1-06-18, 15.1-21-02.7, 15.1-21-06, and 15.1-21-12 of the North Dakota Century Code are repealed.

Approved March 22, 2021

Filed March 23, 2021

⁶⁴ Section 15.1-21-02.7 was amended by section 5 of Senate Bill No. 2141, chapter 158, and was also repealed by section 5 of Senate Bill No. 2136, chapter 157.

CHAPTER 140

HOUSE BILL NO. 1232

(Representatives Satrom, Jones, Ostlie, Paulson, Schauer, Strinden)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; and to amend and reenact sections 15.1-06-04 and 15.1-27-23 of the North Dakota Century Code, relating to the satisfaction of school calendar hours through virtual instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁵ **SECTION 1. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. A school district shall provide for a school calendar that includes:
 - a. At least nine hundred sixty-two and one-half hours of instruction for elementary school students and one thousand fifty hours of instruction for middle and high school students;
 - b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
 - c. No more than two days for:
 - (1) Parent-teacher conferences; or
 - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
 - d. At least three days of professional development not including meals or breaks.
2. For the first three days of professional development required under subdivision d of subsection 1, a day of professional development must consist of:
 - a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
 - b. Six hours of cumulative professional development conducted under the auspices of a professional learning community; or

⁶⁵ Section 15.1-06-04 was also amended by section 1 of House Bill No. 1388, chapter 141, and section 2 of House Bill No. 1388, chapter 141.

- c. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing a full day all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of a full day all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1. A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 2 of this Act.
4. For purposes of this section, a full day of instruction consists of:
 - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
5. If a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply and be approved for a waiver by the superintendent of public instruction.

66 SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and a school district may qualify for average daily membership in the district if the district is providing virtual instruction in satisfaction of the requirements of subsection 3 of section 15.1-06-04. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction.

SECTION 3. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or

⁶⁶ Section 15.1-07-25.4 was also created by section 5 of House Bill No. 1388, chapter 141.

school district may satisfy the requirements of this section by providing virtual instruction under section 15.1-06-04.

2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.

Approved April 22, 2021

Filed April 23, 2021

CHAPTER 141

HOUSE BILL NO. 1388

(Representative Owens)
(Senator Schaible)

AN ACT to create and enact a new subsection to section 15.1-06-04, a new section to chapter 15.1-07, a new section to chapter 15.1-13, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to virtual learning, school calendar length, reading competency requirements, and teacher professional development and licensure; to amend and reenact subsection 4 of section 15.1-06-04, subdivision e of subsection 1 of section 15.1-06-06, section 15.1-06-13, subsection 2 of section 15.1-09.1-02.1, and sections 15.1-20-01, 15.1-27-03.2, 15.1-27-04.1, 15.1-27-35, and 15.1-31-07 of the North Dakota Century Code, relating to membership of the kindergarten through grade twelve education coordination council, adjustments to school district size weighting factors, the education foundation aid funding formula transition maximum and payment rates, student attendance and enrollment, school approval, school compliance, regional education association services, average daily membership, and school calendars; to provide for a legislative management study; to provide for a kindergarten through grade twelve education coordination council study; to provide for a legislative management report; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁷ **SECTION 1. AMENDMENT.** Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. For purposes of this section, a full day of instruction at a physical school plant consists of:
 - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

⁶⁸ **SECTION 2.** A new subsection to section 15.1-06-04 of the North Dakota Century Code is created and enacted as follows:

If a school district intends to provide virtual instruction, the instruction must comply with the requirements under subsection 4. The attendance of students participating in virtual instruction must be verified by monitoring the student's

⁶⁷ Section 15.1-06-04 was also amended by section 1 of House Bill No. 1232, chapter 140, and section 2 of House Bill No. 1388, chapter 141.

⁶⁸ Section 15.1-06-04 was also amended by section 1 of House Bill No. 1232, chapter 140, and section 1 of House Bill No. 1388, chapter 141.

progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 3. AMENDMENT. Subdivision e of subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

- e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
- (1) Has no unremedied deficiency; or
 - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;

SECTION 4. AMENDMENT. Section 15.1-06-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.

The superintendent of each school district shall ensure that the schools physical school plants in the district comply with all health, safety, and sanitation requirements.

⁶⁹ **SECTION 5.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

SECTION 6. AMENDMENT. Subsection 2 of section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Subsection 1 does not preclude a regional education association from offering additional services ~~to its member districts.~~

SECTION 7. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Reading instruction competency.

⁶⁹ Section 15.1-07-25.4 was also created by section 2 of House Bill No. 1232, chapter 140.

1. The board shall ensure a candidate for teacher licensure demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:
 - a. Phonemic awareness;
 - b. Phonics;
 - c. Fluency;
 - d. Vocabulary;
 - e. Comprehension;
 - f. How to assess student reading ability; and
 - g. How to identify and correct reading difficulties.
2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.
3. A prekindergarten through grade twelve and a secondary education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.
4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

SECTION 8. AMENDMENT. Section 15.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-01. Compulsory attendance.

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is ~~in attendance~~ attends a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure that the child is ~~in attendance~~ attends the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not re-enroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.
4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed

by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 9. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Reading curriculum - Content - Professional development - Reports to legislative management.

1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:
 - a. Is scientifically based, evidence based, and research based;
 - b. Focuses on:
 - (1) Phonemic awareness;
 - (2) Phonics;
 - (3) Fluency;
 - (4) Vocabulary; and
 - (5) Comprehension; and
 - c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.
2. Before the 2022-23 school year, each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1.
3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.
4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:
 - a. Ensures the placement of highly effective teachers in kindergarten through grade three;
 - b. Has integrated reading instruments used to diagnose reading development and comprehension; and
 - c. Has integrated evidence-based resources to support reading development and comprehension.

5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.
6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.
7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students.

SECTION 10. AMENDMENT. Section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.2. School district size weighting factor - Weighted student units.

1. For each high school district in the state, the superintendent of public instruction shall assign a baseline school district size weighting factor of:
 - a. 1.36 if the students in average daily membership number fewer than 110;
 - b. 1.35 if the students in average daily membership number at least 110 but fewer than 125;
 - c. 1.34 if the students in average daily membership number at least 125 but fewer than 130;
 - d. 1.33 if the students in average daily membership number at least 130 but fewer than 135;
 - e. 1.32 if the students in average daily membership number at least 135 but fewer than 140;
 - f. 1.31 if the students in average daily membership number at least 140 but fewer than 145;
 - g. 1.30 if the students in average daily membership number at least 145 but fewer than 150;
 - h. 1.29 if the students in average daily membership number at least 150 but fewer than 155;
 - i. 1.28 if the students in average daily membership number at least 155 but fewer than 160;
 - j. 1.27 if the students in average daily membership number at least 160 but fewer than 165;
 - k. 1.26 if the students in average daily membership number at least 165 but fewer than 175;
 - l. 1.25 if the students in average daily membership number at least 175 but fewer than 185;

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- m. 1.24 if the students in average daily membership number at least 185 but fewer than 200;
 - n. 1.23 if the students in average daily membership number at least 200 but fewer than 215;
 - o. 1.22 if the students in average daily membership number at least 215 but fewer than 230;
 - p. 1.21 if the students in average daily membership number at least 230 but fewer than 245;
 - q. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
 - r. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
 - s. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
 - t. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
 - u. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
 - v. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
 - w. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
 - x. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
 - y. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
 - z. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
 - aa. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
 - bb. 1.09 if the students in average daily membership number at least 320 but fewer than 335;
 - cc. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
 - dd. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
 - ee. 1.06 if the students in average daily membership number at least 360 but fewer than 370;

- ff. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
 - gg. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
 - hh. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
 - ii. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
 - jj. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
 - kk. 1.00 if the students in average daily membership number at least 900.
2. ~~For each elementary district in the state~~Beginning with the 2021-22 school year and each school year thereafter until the 2027-28 school year, the superintendent of public instruction shall assign a school district size weighting factor determined by increasing the baseline weighting factor under subsection 1 each year by fourteen and twenty-nine hundredths percent of the difference between the weighting factor under this subsection and the baseline weighting factor under subsection 1 for the same school district size. ~~For the 2027-28 school year and each school year thereafter, the superintendent of public instruction shall assign a school district size weighting factor of:~~
- a. ~~1.25~~1.72 if the students in average daily membership number fewer than ~~110~~110;
 - b. ~~1.17~~1.68 if the students in average daily membership number at least ~~110~~110 but fewer than ~~200~~125; and
 - c. ~~1.00~~1.64 if the students in average daily membership number at least ~~200~~125 but fewer than 130;
 - d. 1.60 if the students in average daily membership number at least 130 but fewer than 135;
 - e. 1.56 if the students in average daily membership number at least 135 but fewer than 140;
 - f. 1.52 if the students in average daily membership number at least 140 but fewer than 145;
 - g. 1.49 if the students in average daily membership number at least 145 but fewer than 150;
 - h. 1.45 if the students in average daily membership number at least 150 but fewer than 155;
 - i. 1.42 if the students in average daily membership number at least 155 but fewer than 160;

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- j. 1.39 if the students in average daily membership number at least 160 but fewer than 165;
 - k. 1.36 if the students in average daily membership number at least 165 but fewer than 175;
 - l. 1.33 if the students in average daily membership number at least 175 but fewer than 185;
 - m. 1.30 if the students in average daily membership number at least 185 but fewer than 200;
 - n. 1.27 if the students in average daily membership number at least 200 but fewer than 215;
 - o. 1.25 if the students in average daily membership number at least 215 but fewer than 230;
 - p. 1.22 if the students in average daily membership number at least 230 but fewer than 245;
 - q. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
 - r. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
 - s. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
 - t. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
 - u. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
 - v. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
 - w. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
 - x. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
 - y. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
 - z. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
 - aa. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
 - bb. 1.09 if the students in average daily membership number at least 320 but fewer than 335;

- cc. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
 - dd. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
 - ee. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
 - ff. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
 - gg. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
 - hh. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
 - ii. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
 - jj. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
 - kk. 1.00 if the students in average daily membership number at least 900.
3. The superintendent of public instruction shall impute an average daily membership for each school district that does not include a high school and use the imputed average daily membership to determine the school district size weighting factor under this section. To determine the imputed average daily membership, the superintendent of public instruction shall divide the school district's average daily membership by 0.60.
4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For the 2022-23 school year, for school districts that operate multiple kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers] apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units.
- 4-5. Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.

⁷⁰ **SECTION 11. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
 - (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal;
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3); and
 - d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Mobile home tax revenue;

⁷⁰ Section 15.1-27-04.1 was also amended by section 1 of House Bill No. 1246, chapter 161.

- (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the ~~2019-20~~2021-22 school year, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ~~nine thousand eight hundred thirty-ninen thousand one hundred thirty-six~~ dollars;

- (2) One hundred ~~one~~two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~nine thousand eight hundred thirty-nine~~ten thousand one hundred thirty-six dollars; or
- (3) The district's baseline funding as established in subsection 1 ~~less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.~~
- b. For the ~~2020-21~~2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ten thousand ~~thirty-six~~two hundred thirty-seven dollars;
- (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand ~~thirty-six~~two hundred thirty-seven dollars; or
- (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~thirty percent for the ~~2021-22~~2022-23 school year and the ~~reduction percentage increasing by~~ fifteen percent each school year thereafter ~~until the difference is reduced to zero~~, and then the difference added to the amount determined in paragraph 1.
- c. The superintendent also shall adjust state aid determined in this subsection ~~to ensure the amount does not exceed the transition maximum as follows:~~
- (1) For the ~~2019-20~~2021-22 school year, ~~to ensure the amount does not exceed~~the transition maximum rate is one hundred ~~five~~ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
- (2) For the ~~2020-21~~2022-23 school year ~~and each school year thereafter, to ensure the amount does not exceed~~the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
- (3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is

determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

- (4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
 - (5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
 - (6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition revenue received for the provision of an adult farm management program as directed in paragraph 3 of subdivision c of subsection 1, the superintendent of public

instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2018~~2020 by the school district for sinking and interest relative to the total mills levied in ~~2018~~2020 by the school district for all purposes.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
 - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

Baseline funding - Establishment - Determination of state aid. (Effective after June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:

- (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
 - (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal;
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3); and
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.

2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
 - b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
 - c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the ~~2019-20~~2021-22 school year, the superintendent shall calculate state aid as the greater of:
 - (1) ~~The district's weighted student units multiplied by nine thousand eight hundred thirty-nineteen thousand one hundred thirty-six dollars;~~
 - (2) One hundred ~~one~~two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~nine thousand eight hundred thirty-nineteen thousand one hundred thirty-six~~ dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.
 - b. For the ~~2020-21~~2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
 - (1) ~~The district's weighted student units multiplied by ten thousand thirty-six~~two hundred thirty-seven dollars;

- (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand ~~thirty-six~~two hundred thirty-seven dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~thirty percent for the ~~2021-22~~2022-23 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.
- c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:
- (1) For the ~~2019-20~~2021-22 school year, ~~to ensure the amount does not exceed~~the transition maximum rate is one hundred fiveten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
 - (2) For the ~~2020-24~~2022-23 school year ~~and each school year thereafter, to ensure the amount does not exceed~~the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
 - (3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
 - (4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
 - (5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline

funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

- (6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition revenue received for the provision of an adult farm management program as directed in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2018~~2020 by the school district for sinking and interest relative to the total mills levied in ~~2018~~2020 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
 - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

SECTION 12. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance at the school's physical plant during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
 - a. Nine hundred sixty-two and one-half hours for elementary school students; or
 - b. One thousand fifty hours for middle and high school students.
2. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - d. A student enrolled full time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 13. AMENDMENT. Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-07. Students not subject to this chapter.

1. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district.
2. If a student resides in a district other than the one the student is enrolled in for purposes of receiving virtual instruction, the student is not subject to this chapter unless a cost-sharing agreement is established between the school district of residence and the receiving district.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - TRANSITION MINIMUM REDUCTION.

1. During the 2021-22 interim, the legislative management shall consider studying kindergarten through grade twelve school funding, including transition minimum reduction impacts to reorganized and consolidated school districts. The study must include:
 - a. A review of school districts that have multiple buildings in the district and districts that have built a new building without using traditional bonding methods as a result of a multidistrict reorganization;
 - b. An analysis of high-cost students, including students who are high cost due to special education needs, medical reasons, agency placements, or any other reasons that increase the cost to educate the students beyond the state threshold;
 - c. An ongoing review of the impacts of school districts that are off of the funding formula as they transition onto the formula;
 - d. An analysis of human resource allocation and the duties and needs in elementary and secondary school buildings with a targeted focus on student academic health, behavioral health, and social and emotional health; and
 - e. A review of student performance data relevant to students participating in virtual learning.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly.

SECTION 15. KINDERGARTEN THROUGH GRADE TWELVE EDUCATION COORDINATION COUNCIL STUDY - COMPOSITION - DUTIES - TERM LIMITS - REPORT TO LEGISLATIVE MANAGEMENT. During the 2021-22 interim, the kindergarten through grade twelve education coordination council shall study the membership, duties, and term limits of the council. Before June 1, 2022, the kindergarten through grade twelve education coordination council shall report the findings and recommendations of the study, including any proposed legislation necessary to implement the recommendations, to the legislative management.

SECTION 16. EFFECTIVE DATE. Section 7 of this Act becomes effective on July 1, 2022.

SECTION 17. EMERGENCY. Section 12 of this Act is declared to be an emergency measure.

Approved April 30, 2021

Filed May 3, 2021

CHAPTER 142**HOUSE BILL NO. 1075**

(Representative Dockter)

AN ACT to repeal section 15.1-06-04.1 of the North Dakota Century Code, relating to school district calendar limitations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 15.1-06-04.1 of the North Dakota Century Code is repealed.

Approved March 25, 2021

Filed March 26, 2021

CHAPTER 143

HOUSE BILL NO. 1356

(Representatives Meier, Heinert, D. Johnson, K. Koppelman, D. Ruby, Steiner)
(Senators Bekkedahl, Dever, Krebsbach, Wardner)

AN ACT to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to a youth patriotic society's access to students during school hours.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Patriotic society - Permission to speak to students at public schools.

1. For purposes of this section, "youth patriotic society" means a youth group that promotes patriotism, civic education, and civic involvement, listed under title 36, United States Code, subtitle II, part b, as of January 1, 2021.
2. Representatives of a youth patriotic society must be allowed to speak to students during regular school hours at each public school in the state during the first quarter of each academic school year to inform the students about the society and to explain how students may participate in or join the society. The youth patriotic society shall provide the school principal with notice of the society's intent to speak to the students. A school principal may designate the time, place, and manner in which representatives of a youth patriotic society are allowed to speak to students.

Approved April 21, 2021

Filed April 22, 2021

CHAPTER 144

SENATE BILL NO. 2165

(Senators Schaible, Rust)
(Representatives D. Johnson, Owens)

AN ACT to amend and reenact sections 15.1-07-29 and 15.1-27-35.3, subsection 6 of section 15.1-36-06, and subdivision a of subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the elimination of school district ending fund balance carried forward limitations, deductions from state aid formula payments, and school construction loan amounts; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-29. Ending fund balance --Amount.

1. The board of a school district may carry over moneys to the ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the school district may be legally extended.
2. ~~For taxable years beginning after December 31, 2003, and ending on December 31, 2007, the amount carried over by a school district may not exceed fifty percent of the current annual budget for all purposes other than debt retirement and amounts financed from bond sources plus twenty thousand dollars.~~
3. ~~For taxable years beginning after December 31, 2007, the amount carried over by a school district may not exceed forty-five percent of the current annual budget for all purposes other than debt retirement and amounts financed from bond sources plus twenty thousand dollars.~~

SECTION 2. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance.

1. a. ~~The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty percent of its actual expenditures, plus twenty thousand dollars.~~
- b. Except as provided in subdivision e~~b~~, beginning July 1, ~~2017~~2023, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus fifty thousand dollars.

e. Beginning July 1, 2017, the

b. The superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus one hundred thousand dollars if the school district is in a cooperative agreement with another school district to share academic resources, and the school districts are considering reorganization under chapter 15.1-12. An eligible school district may receive payments under this provision for a maximum of two years.

2. For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2, but does not include federal impact aid funding.

SECTION 3. AMENDMENT. Subsection 6 of section 15.1-36-06 of the North Dakota Century Code is amended and reenacted as follows:

6. If a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation amount set forth under section 15.1-27-35.3, the loan amount to which that district is entitled under this section may not exceed eighty percent of the project's cost.

SECTION 4. AMENDMENT. Subdivision a of subsection 5 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

- a. The maximum loan amount for which a school district may qualify is ten million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation amount under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of eight million dollars;

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

Approved April 16, 2021

Filed April 16, 2021

CHAPTER 145

HOUSE BILL NO. 1478

(Representatives Schreiber-Beck, Heinert, D. Johnson, M. Johnson, Longmuir, Zubke)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to alternative education opportunities outside the classroom for course credit; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Alternative curriculum outside the classroom - Participation - Report to legislative management.

1. For purposes of this section:
 - a. "Educational opportunity" means instruction outside the classroom which meets course content standards, as determined by the superintendent of public instruction. The term includes work-based learning, pre-apprenticeships, apprenticeships, internships, industry certifications, and community programs.
 - b. "Sponsoring entity" means a business, for-profit organization, nonprofit organization, trade association, parent of a student, teacher, or administrator that partners with a school district or governing board of a nonpublic school to provide educational opportunities for students.
2. The superintendent of public instruction shall adopt rules to administer this section.
3. The board of a school district or governing board of a nonpublic school may adopt a policy to allow students enrolled in grades six through twelve to earn course credit through educational opportunities with a sponsoring entity.
4. A policy adopted under this section must provide criteria for:
 - a. The submission, approval, and evaluation of proposals for educational opportunities by sponsoring entities for which a student may earn course credit;
 - b. Sponsoring entity eligibility; and
 - c. Educational opportunity accountability.
5. The board of a school district or governing board of a nonpublic school may accept a proposal from any eligible sponsoring entity. To be approved, a proposal must:

- a. Provide increased educational opportunities for students;
 - b. Improve the academic success of students; and
 - c. Identify a teacher of record who is employed by the school district or nonpublic school, is licensed under chapter 15.1-18, and has approved the proposal.
6. Upon approval by the board of a school district or governing board of a nonpublic school, the proposal must be submitted to the kindergarten through grade twelve education coordination council for review and to the superintendent of public instruction for approval before implementation. The superintendent of public instruction shall approve or deny a proposal under this section within ninety days of submission.
 7. If a proposal is denied under subsection 6, the superintendent shall provide the board of a school district or governing board of a nonpublic school with a written explanation, including the reasons for denial.
 8. If a proposal is approved by the superintendent of public instruction, the board of a school district or governing board of a nonpublic school shall implement the proposal and allow students to participate in the educational opportunity for course credit.
 9. Any school district or nonpublic school participating in the program shall provide evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
 10. The superintendent of public instruction may revoke proposal approval if the superintendent of public instruction determines the school district, nonpublic school, or sponsoring entity failed to comply with the agreed upon terms of the educational opportunity proposal or the school district policy, or failed to meet the requirements of this section.
 11. If approval of a proposal is revoked under subsection 10, the superintendent of public instruction shall provide a report to the legislative management regarding the revocation.
 12. The superintendent of public instruction shall provide information on the superintendent of public instruction's website and in biennial reports to the legislative management regarding proposals under this section.

Approved April 19, 2021

Filed April 20, 2021

CHAPTER 146

HOUSE BILL NO. 1370

(Representatives Heinert, Pyle, Richter, Strinden)
(Senators Davison, Kreun, K. Roers)

AN ACT to amend and reenact subsection 7 of section 15.1-09-33 of the North Dakota Century Code, relating to school board powers and the leasing of real property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷¹ **SECTION 1. AMENDMENT.** Subsection 7 of section 15.1-09-33 of the North Dakota Century Code is amended and reenacted as follows:

7. Lease real property for a maximum of one year except in the case of a:
 - a. A career and technical education facility constructed in whole or in part with financing acquired under chapter 40-57, which may be leased for up to twenty years; or
 - b. A lease for the installation of a wireless telecommunications facility, which may be leased for up to twenty years.

Approved April 8, 2021

Filed April 9, 2021

⁷¹ Section 15.1-09-33 was also amended by section 1 of Senate Bill No. 2308, chapter 147.

CHAPTER 147

SENATE BILL NO. 2308

(Senators Myrdal, Kannianen, Larson)
(Representatives D. Ruby, Strinden)

AN ACT to create and enact two new subsections to section 15.1-09-33 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to school board authority regarding the displaying of the ten commandments and the recitation of the pledge of allegiance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷² **SECTION 1.** Two new subsections to section 15.1-09-33 of the North Dakota Century Code are created and enacted as follows:

Authorize schools within the district to display the ten commandments with a display of other historical documents in the school and in a classroom.

Authorize schools within the district to permit students to recite the pledge of allegiance.

SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School board - Immunity from liability.

The superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any liability for damages resulting from a school's decision to display the ten commandments or permit students to recite the pledge of allegiance under section 1 of this Act.

Approved April 16, 2021

Filed April 16, 2021

⁷² Section 15.1-09-33 was also amended by section 1 of House Bill No. 1370, chapter 146.

CHAPTER 148

SENATE BILL NO. 2240

(Senators J. Roers, Davison)
(Representatives M. Johnson, Schreiber-Beck)

AN ACT to create and enact a new subdivision to subsection 1 of section 15.1-09-34 of the North Dakota Century Code, relating to an exception to notice and bidding requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 15.1-09-34 of the North Dakota Century Code is created and enacted as follows:

Building materials required for district students enrolled in a course to create home construction projects sold on the open market, the revenue of which is used to cover the cost of the building materials for use in the course.

Approved March 29, 2021

Filed March 30, 2021

CHAPTER 149

HOUSE BILL NO. 1337

(Representatives D. Johnson, Monson, Richter)
(Senators Myrdal, Rust, Schaible)

AN ACT to amend and reenact sections 15.1-12-07, 15.1-12-26, and 15.1-12-27 of the North Dakota Century Code, relating to the transfer of property of dissolved school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-07. Transfer of real property upon annexation, reorganization, or dissolution.

The legal title to all real property owned by a school district and annexed to another school district, included in a reorganized district, or subjected to dissolution, vests in the board of the reorganized school district or of the district to which the property is annexed or attached on the effective date of the reorganization, annexation, or dissolution. If the reorganized district or district to which the property is annexed or attached includes less than the whole of the former district, legal title to the real property of the former district vests in the board of the school district in which the property is situated on the effective date of the reorganization, annexation, or dissolution. If the real property of a dissolved district is sold, exchanged, or donated to another political subdivision pursuant to section 15.1-12-27, legal title to the real property vests in the political subdivision to which the real property was sold, exchanged, or donated on the effective date of the dissolution. A certificate prepared by a licensed attorney, citing the legal description of the property and stating that the property has become annexed, attached, or reorganized with another school district, or sold, exchanged, or donated to another political subdivision, must be recorded in the office of the recorder of the county in which the property is located.

SECTION 2. AMENDMENT. Section 15.1-12-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-26. Dissolution of school district - Grounds.

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating high school districts in the same county, or to a non-high school district in the same county if there are no high school districts in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
 - a. The district is financially unable to effectively and efficiently educate its students;
 - b. The district has not operated a school as required by section 15.1-12-24;
or

- c. A school board has determined that dissolution is in the best interest of its students.
2. Except as provided in subsection 3, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating high school district in the same county, or to a non-high school district in the same county if there is no high school district in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent that:
 - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
 - b. There exists real property that does not belong to a school district.
3. If a school district reorganization plan which does not include all real property in a district is approved by the electors, the county committee shall, within forty-five days after the election, hold a hearing under section 15.1-12-27 to attach the remaining property to one or more operating high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
4. Subject to state board approval under section 15.1-12-27, a county committee that has initiated proceedings to dissolve a school district under this section may sell, exchange, or donate property or assets of the dissolving district to another political subdivision for less than fair market value provided the dissolving district has sufficient property and assets remaining to satisfy the requirements of sections 15.1-12-28 and 15.1-12-28.1.
5. Receipt of notice by a county committee under this section:
 - a. Renders an annexation petition involving any real property in the district void, unless the annexation has already been approved by the state board; and
 - b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.
- 5-6. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

SECTION 3. AMENDMENT. Section 15.1-12-27 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.

1. The county superintendent shall schedule and give notice of a public hearing regarding the dissolution of the district and the subsequent attachment of the property to other high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved. The county superintendent shall publish the notice in the official newspaper of each county that encompasses property in the dissolving district and in the official

newspaper of each county that encompasses property in a high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.

2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution, including the sale, exchange, or donation of property and assets of the dissolving district to another political subdivision for less than fair market value.
3. The county committee shall consider testimony and documentary evidence regarding:
 - a. The value and amount of property held by the dissolving school district;
 - b. The amount of all outstanding bonded and other indebtedness;
 - c. The distribution of property and assets among the school districts to which the dissolved district is attached, or to another political subdivision as proposed by the dissolving district;
 - d. The taxable valuation of the dissolving district and adjacent school districts and the taxable valuation of adjacent school districts under the proposed manner of dissolution;
 - e. The size, geographical features, and boundaries of the dissolving district and of adjacent school districts;
 - f. The number of students enrolled in the dissolving district and in adjacent school districts;
 - g. Each school in the dissolving district and in adjacent school districts, including its name, location, condition, accessibility, and the grade levels it offers;
 - h. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent school districts;
 - i. Conditions affecting the welfare of students in the dissolving district and in adjacent school districts;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in the dissolving district and in adjacent school districts;
 - l. Potential savings in school district transportation and administrative services;
 - m. The anticipated future use of the dissolving districts' buildings, sites, and playfields;

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- n. The potential for a reduction in per student valuation disparities between the school districts to which the dissolved district is attached;
 - o. The potential to equalize or increase the educational opportunities for students from the dissolving district and for students in adjacent school districts; and
 - p. All other relevant factors.
4. After the hearing, the county committee shall make findings of fact. Subject to final approval by the state board, the county committee may order the district dissolved and its real property ~~attached~~ assets:
 - a. Attached to one or more contiguous, operating high school districts in the same county; ~~or~~;
 - b. Attached to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved; or
 - c. Sold, exchanged, or donated to another political subdivision for less than fair market value provided the dissolving district has sufficient property and assets remaining to satisfy the requirements of sections 15.1-12-28 and 15.1-12-28.1.
 5. Any property ordered attached to other school districts under this section must have at least one minor residing within its boundaries.
 6. The county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the dissolution proceeding together with a copy of the county committee's order to the state board for final approval of the dissolution. The state board shall publish notice of its meeting at which it will consider the dissolution, in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the meeting.
 7. The order of dissolution becomes effective July first following approval by the state board, unless the county committee provides for a different effective date.
 8. If the boundaries of the dissolving school district cross county lines, the proceeding to dissolve the district must be conducted jointly by the county committees representing counties containing twenty-five percent or more of the dissolving district's taxable valuation. If, after the hearing, a majority of the county committees are unable to agree upon an order of dissolution and attachment, the county superintendent of the county in which the administrative headquarters of the dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent school districts in the manner it deems appropriate. The state board shall publish notice of the public hearing in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the date of the hearing.

9. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.
10. The state board shall provide a copy of its final findings of fact, conclusions of law, and order regarding the dissolution to job service North Dakota. If not otherwise included in the findings of fact, the state board shall also provide job service North Dakota with information on the distribution and valuation of property from the dissolving district to the receiving districts.

Approved April 21, 2021

Filed April 22, 2021

CHAPTER 150

SENATE BILL NO. 2332

(Senator Schaible)
(Representatives Satrom, Schreiber-Beck)

AN ACT to amend and reenact section 15.1-13-10 of the North Dakota Century Code, relating to the criteria for teacher licensure; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-10. Criteria for teacher licensure. (~~Effective through July 31, 2023~~)

1. The board shall establish by rule the criteria for teacher licensure and the process for issuing teaching licenses. The criteria must include considerations of character, adequate educational preparation, and general fitness to teach.
2. The board may not require a teacher who graduated from an accredited teacher education program on or before September 1, 1980, to earn any college credits in native American or other multicultural courses as a condition of licensure or license renewal.
3. This section does not affect the validity of teaching certificates in effect on July 31, 2001.
4. This section does not affect the qualifications for career and technical education certificates, as otherwise established by law.
5. The board shall grant an initial license to an individual who:
 - a. Possesses a bachelor's degree from an accredited institution;
 - b. Passes a criminal history record check required by section 15.1-13-14; and
 - c. Successfully completes an alternative teacher certification program.
6. An in-state alternative teacher certification program must operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators.
7. An out-of-state alternative teacher certification program must:
 - a. Operate in at least five states;
 - b. Have operated an alternative teacher certification program for at least ten years;

- c. Require applicants to pass a subject area and pedagogy examination, known as the professional teaching knowledge examination, to receive certification; and
 - d. Allow an individual who obtains an initial or renewal license to teach in the subject areas of:
 - (1) Elementary education;
 - (2) Elementary education with a reading endorsement;
 - (3) English language arts;
 - (4) United States and world history;
 - (5) Mathematics;
 - (6) General science;
 - (7) Biology;
 - (8) Chemistry; and
 - (9) Physics; and
 - (10) Special education;
 - e. Operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators; and
 - f. Meet the procedures and program approval standards and requirements under subdivision e by July 1, 2023.
8. An individual who obtains an initial license under subsection 5 is authorized to teach the subject and educational levels for which the individual has successfully completed the program described under subsection 5.
9. Upon completing two years of teaching under an initial license issued under subsection 5, the licensee is eligible to apply for a five-year renewal license if the individual:
- a. Completes the program's clinical experience program and the North Dakota teacher support system approved mentor program;
 - b. Meets the requirements of section 15.1-13-35 within two years of initial licensure; and
 - c. Meets the requirements of human resources and cultural directives required coursework within two years of initial licensure which includes Native American studies, cultural diversity, strategies for creating learning environments that contribute to positive human relationships, and strategies for teaching and assessing diverse learners.

Criteria for teacher licensure. (Effective after July 31, 2023)

- ~~1. The board shall establish by rule the criteria for teacher licensure and the process for issuing teaching licenses. The criteria must include considerations of character, adequate educational preparation, and general fitness to teach.~~
- ~~2. The board may not require a teacher who graduated from an accredited teacher education program on or before September 1, 1980, to earn any college credits in native American or other multicultural courses as a condition of licensure or license renewal.~~
- ~~3. This section does not affect the validity of teaching certificates in effect on July 31, 2001.~~
- ~~4. This section does not affect the qualifications for career and technical education certificates, as otherwise established by law.~~

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - CRITERIA FOR ALTERNATIVE TEACHER LICENSURE. During the 2021-22 interim, the legislative management shall consider studying criteria for alternative teacher licensure. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

Approved April 23, 2021

Filed April 23, 2021

CHAPTER 151

SENATE BILL NO. 2215

(Senators Schaible, Davison)
(Representatives Heinert, Schreiber-Beck, Zubke)

AN ACT to amend and reenact sections 15.1-16-06 and 15.1-16-10, subsection 1 of section 15.1-16-11, section 15.1-16-13, subsection 1 of section 15.1-16-14, and sections 15.1-16-15 and 15.1-16-18 of the North Dakota Century Code, relating to deadlines for teacher negotiations between school districts and representative organizations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-06. Factfinding - Sharing of cost.

If an impasse ~~is deemed to exist~~exists under section 15.1-16-14, the contending parties shall share the cost of factfinding equally.

SECTION 2. AMENDMENT. Section 15.1-16-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-10. Negotiating unit - Formation.

A group of teachers or a group of administrators employed by the board of a public school district may form a negotiating unit by filing with the board no later than February first of the current school year a petition providing a description of the job groupings or positions that constitute the negotiating unit. ~~Upon~~Within thirty days after the date of receipt of the ~~description~~petition, the board shall accept or reject the proposed negotiating unit described in the petition. ~~If the board accepts the negotiating unit, the teachers or the administrators within the unit may designate or select a representative organization as provided for in section 15.1-16-11.~~

SECTION 3. AMENDMENT. Subsection 1 of section 15.1-16-11 of the North Dakota Century Code is amended and reenacted as follows:

1. a. If an organization is interested in representing a group of teachers or a group of administrators, the organization may file with the board of a school district a petition asserting that the organization represents a majority of the teachers or the administrators included within a negotiating unit.
- b. The petition must be accompanied by evidence substantiating the assertion contained in it.
- c. The petition must be filed with the board of a school district no later than March first of the current school year.

- d. Within ten days after receiving the petition, the board of the school district shall post notice of its intent to consider the petition in each school wherein the members of the negotiating unit are employed.
- d.e. No sooner than ten nor later than twenty days after posting the notice of intent to consider the petition, the board shall investigate the petition, determine the question of representation, and post notice of its determination in each school wherein the members of the negotiating unit are employed.
- e.f. If the petition is not contested, the board shall recognize the petitioner as the representative organization of the negotiating unit, unless the board rejects the petition for recognition of the negotiating unit under section 15.1-16-10 or the board finds in good faith that there is a reasonable doubt the representation exists.

SECTION 4. AMENDMENT. Section 15.1-16-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-13. Good-faith negotiations.

1. The board of a school district or its representatives and the representative organization or its representatives shall, if requested by either entity, meet at reasonable times and negotiate in good faith regarding:
 - a. The terms and conditions of employment.
 - b. Employer-employee relations.
 - c. Formation of a contract, which may contain a provision for binding arbitration.
 - d. The interpretation of an existing contract.
2. The board of a school district and the representative organization, at the request of either party, shall execute a written contract incorporating any agreement reached.
3. Either the board of a school district or the representative organization may modify or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate the contract to the other party not less than one hundred sixty days before the annual anniversary date.
4. Nothing in this section compels either the board of a school district or a representative organization to agree to a proposal or to make a concession.
5. Good-faith negotiations must begin no later than the thirtieth day after the representative organization is recognized by the board of the school district, in accordance with section 15.1-16-11, unless otherwise agreed to by the board of the school district and the representative organization.
6. Unless otherwise agreed to by the board of the school district and the representative organization, good-faith negotiations must be completed no later than July first following the recognition of the representative organization under section 15.1-16-11.

SECTION 5. AMENDMENT. Subsection 1 of section 15.1-16-14 of the North Dakota Century Code is amended and reenacted as follows:

1. An impasse exists if:
 - a. After a reasonable period of negotiation, an agreement has not been formulated and a dispute exists-;
 - b. No later than July first following the recognition of the representative organization under section 15.1-16-11:
 - (1) An agreement has not been reached between the board of a school district and the representative organization; and
 - (2) The board of the school district and the representative organization have not agreed to extend the negotiation period; or
 - c. The board of a school district and the representative organization both agree that an impasse exists.

SECTION 6. AMENDMENT. Section 15.1-16-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-15. Impasse - Resolution.

1. If an impasse exists under section 15.1-16-14, the board of a school district and the representative organization may agree to seek mediation. The board and the representative organization shall jointly select a mediator and agree to a distribution of the mediation cost. If mediation fails or if mediation is not attempted, the board or representative organization may request that the education factfinding commission provide assistance.
2. If the education factfinding commission is asked to provide assistance under subsection 1 ~~and if the commission determines that an impasse exists~~, the commission shall act as a factfinding commission or appoint a factfinder from a list of qualified individuals maintained by the commission. A factfinder appointed under this section has the powers designated by the commission. Upon completion of all duties, the factfinder shall make a recommendation to the commission.
3. The education factfinding commission shall:
 - a. Consider the facts, make its findings, and issue a recommendation; or
 - b. Consider the report and recommendation of its factfinder and, after any further investigation the commission elects to perform, make its findings and issue a recommendation.
4. Within forty days from the date the commission is asked to provide assistance, the commission shall deliver its findings and recommendations to the board of the school district and to the representative organization. No sooner than ten nor later than twenty days after its findings and recommendations are delivered to the board and the representative organization, the commission shall make its findings and recommendation public if the impasse is not resolved.

5. If facts are established or a recommendation made in accordance with factfinding procedures agreed to by the board of the school district and the representative organization and the impasse continues, the education factfinding commission may consider the findings and recommendations without instituting its own factfinding procedure and the commission may issue its own findings and recommendations based on the information available. No sooner than ten nor later than twenty days after these findings and recommendations are delivered to the board and the representative organization, the commission shall make its findings and recommendations public if the impasse is not resolved.

SECTION 7. AMENDMENT. Section 15.1-16-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-18. Representative organization - Recognition — ~~Withdrawal of recognition~~Authority.

A representative organization that enters a contract between with the board of a school district and a representative organization bars retains the authority to represent the negotiating unit for the duration of the contract or until another representative group from petitioning for recognition and bars the withdrawal of recognition from the representative organization for the duration of the contract or three years, whichever is less is recognized by the board of the school district as the representative organization of the negotiating unit under section 15.1-16-11.

Approved April 12, 2021

Filed April 13, 2021

CHAPTER 152

SENATE BILL NO. 2278

(Senators Rust, Hogue, Lemm, Schaible)
(Representatives Longmuir, Monson)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to school district and employee immunity regarding COVID-19; to provide for application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Immunity from COVID-19-related liability - Exceptions.

1. As used in this section, "COVID-19" means:
 - a. Severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2; and
 - b. Any disease caused by severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2.
2. Subject to subsection 3, the superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any civil liability for damage, loss, or injury that results from a student or any other individual contracting, being exposed to, or potentially being exposed to COVID-19 while in a public school, on the premises of a school district, in a school district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event.
3. Immunity under subsection 2 does not apply to damage, loss, or injury caused by an individual's gross negligence or willful misconduct.

SECTION 2. APPLICATION. This Act applies to claims by students, parents of students, or any other individual who knew or reasonably should have known about the contraction, exposure, or potential exposure to COVID-19 before the effective date of this Act.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 1, 2021

Filed April 1, 2021

CHAPTER 153

SENATE BILL NO. 2304

(Senators Heckaman, Marcellais)

AN ACT to amend and reenact subsection 3 of section 15.1-21-01, subsection 1 of section 15.1-21-02, and subsection 4 of section 15.1-21-02.2 of the North Dakota Century Code, relating to requiring all elementary and secondary public and nonpublic schools in the state to include curriculum on Native American history; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 15.1-21-01 of the North Dakota Century Code is amended and reenacted as follows:

3. Social studies, including:
 - a. The United States Constitution;
 - b. United States history;
 - c. Geography;
 - d. Government; and
 - e. North Dakota studies, with an emphasis on the geography, history, the federally recognized Indian tribes in the state, and agriculture of this state, in the fourth and eighth grades.

⁷³ **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall provide instruction in or make available to each student:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Four units of mathematics, including:
 - (1) One unit of algebra II; and
 - (2) One unit for which algebra II is a prerequisite;
 - c. Four units of science, including:
 - (1) One unit of physical science; and

⁷³ Section 15.1-21-02 was also amended by section 4 of Senate Bill No. 2196, chapter 136.

- (2) One unit of biology;
- d. Four units of social studies, including:
 - (1) One unit of world history;
 - (2) One unit of United States history, including Native American tribal history; and
 - (3) (a) One unit of problems of democracy; or
 - (b) One-half unit of United States government and one-half unit of economics;
- e. One-half unit of health;
- f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;
- g. Two units of fine arts, at least one of which must be music;
- h. Two units of the same foreign or native American language;
- i. One unit of an advanced placement course or one unit of a dual-credit course; and
- j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction.

⁷⁴ **SECTION 3. AMENDMENT.** Subsection 4 of section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

- 4. Three units of social studies, including:
 - a. One unit of United States history, including Native American tribal history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

SECTION 4. EFFECTIVE DATE. Section 3 of this Act becomes effective on August 1, 2025.

Approved April 23, 2021

⁷⁴ Section 15.1-21-02.2 was also amended by section 1 of Senate Bill No. 2147, chapter 154.

Filed April 23, 2021

CHAPTER 154

SENATE BILL NO. 2147

(Senators Oban, Holmberg, Schaible)
(Representatives Guggisberg, Monson, Pyle)

AN ACT to amend and reenact sections 15.1-21-02.2 and 15.1-21-02.3 of the North Dakota Century Code, relating to high school graduation and curriculum requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁵ **SECTION 1. AMENDMENT.** Section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.2. High school graduation - Minimum requirements.

1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 1. a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 2. b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 3. c. Three units of science, consisting of:
 - a- (1) (a) One unit of biology;
 - (2) (b) One unit of chemistry; and
 - (3) (c) One unit of physics; or
 - b- (1)(2) (a) One unit of biology;
 - (2) (b) One unit of physical science; and
 - (3) (c) One unit or two one-half units of any other science;
4. d. Three units of social studies, including:
 - a- (1) One unit of United States history;
 - b- (1)(2) (a) One-half unit of United States government and one-half unit of economics; or
 - (2) (b) One unit of problems of democracy; and

⁷⁵ Section 15.1-21-02.2 was also amended by section 3 of Senate Bill No. 2304, chapter 153.

- e. (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- 5.a.e. (1) One unit of physical education; or
- b. (2) One-half unit of physical education and one-half unit of health;
6. f. Three units of:
- a. (1) Foreign languages;
 - b. (2) Native American languages;
 - e. (3) Fine arts; or
 - d. (4) Career and technical education courses; and
7. g. Any five additional units.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.

SECTION 2. AMENDMENT. Section 15.1-21-02.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements.

1. If after completing at least two years of high school a student has failed to pass at least one-half unit from three ~~subsections~~subdivisions in subsection 1 of section 15.1-21-02-115.1-21-02.2 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request ~~that~~ the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine ~~if whether~~ the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section ~~15.1-21-02-115.1-21-02.2~~. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:
- 1. a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - 2. b. Two units of mathematics;
 - 3. c. Two units of science;
 - 4. d. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;
- 5.a.e. (1) One unit of physical education; or
- b. (2) One-half unit of physical education and one-half unit of health;

6. f. Two units of:
- a. (1) Foreign languages;
 - b. (2) Native American languages;
 - e. (3) Fine arts; or
 - d. (4) Career and technical education courses; and
7. g. Any seven additional units.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.

Approved March 22, 2021

Filed March 23, 2021

CHAPTER 155

HOUSE BILL NO. 1083

(Representatives Zubke, Longmuir)

AN ACT to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to scholarship eligibility requirements; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁶ **SECTION 1. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. (Effective through July 31, 2021)

1. Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:
 4. a. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
 2. b. Completed three units of mathematics, including:
 - a. (1) One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. (2) Two units of any other mathematics, which may include one unit of computer science;
 3. c. Completed three units of science, consisting of:
 - a. (1) (a) One unit of biology;
 - (2) (b) One unit of chemistry; and
 - (3) (c) One unit of physics; or
 - b. (4)(2) (a) One unit of biology;
 - (2) (b) One unit of physical science; and
 - (3) (c) One unit or two one-half units of any other science;

⁷⁶ Section 15.1-21-02.4 was also amended by section 1 of House Bill No. 1135, chapter 156, section 1 of Senate Bill No. 2136, chapter 157, and section 3 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

4. d. Completed three units of social studies, including:
- a. (1) One unit of United States history;
- b. (1)(2) (a) One-half unit of United States government and one-half unit of economics; or
- (2) (b) One unit of problems of democracy; and
- e. (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- 5.a.e. (1) Completed one unit of physical education; or
- b. (2) One-half unit of physical education and one-half unit of health;
6. f. Completed:
- a. (1) One unit selected from:
 - (1) (a) Foreign languages;
 - (2) (b) Native American languages;
 - (3) (c) American sign language;
 - (4) (d) Fine arts; or
 - (5) (e) Career and technical education courses; and
 - b. (2) Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
7. g. Completed any five additional units, two of which must be in the area of career and technical education;
- 8.a.h.(1) (a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2; or
- b. (1)(2) (a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and

(2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2; and

9- i. Received:

a- (1) A composite score of at least twenty-four on an ACT; or

b- (2) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

2. A resident high school student is exempt from the requirements in subparagraph b of paragraph 1 of subdivision h of subsection 1 and subparagraph b of paragraph 2 of subdivision h of subsection 1 for units earned during a semester, quarter, or term that includes March, April, or May of 2020.

North Dakota career and technical education scholarship. (Effective after July 31, 2021)

1. Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

4- a. Completed four units of English language arts from a sequence that includes literature, composition, and speech;

2- b. Completed three units of mathematics, including:

a- (1) One unit of algebra II, as defined by the superintendent of public instruction; and

b- (2) Two units of any other mathematics, which may include one unit of computer science;

3- c. Completed three units of science, consisting of:

a- (1) (a) One unit of biology;

(2) (b) One unit of chemistry; and

(3) (c) One unit of physics; or

b- (1)(2) (a) One unit of biology;

(2) (b) One unit of physical science; and

(3) (c) One unit or two one-half units of any other science;

4- d. Completed three units of social studies, including:

a- (1) One unit of United States history;

- b. (1)(2) (a) One-half unit of United States government and one-half unit of economics; or
- (2) (b) One unit of problems of democracy; and
- e. (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- 5.a.e. (1) Completed one unit of physical education; or
- b. (2) One-half unit of physical education and one-half unit of health;
6. f. Completed:
- a. (1) One unit selected from:
- (1) (a) Foreign languages;
- (2) (b) Native American languages;
- (3) (c) American sign language;
- (4) (d) Fine arts; or
- (5) (e) Career and technical education courses; and
- b. (2) Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction which may be governed by rules adopted by the superintendent of public instruction;
7. g. Completed any five additional units, two of which must be in the area of career and technical education;
- 8.a.h.(1)(a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2; or
- b. (1)(2) (a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2; and
9. i. Received:
- a. (1) A composite score of at least twenty-four on an ACT; or

b. (2) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

2. A resident high school student is exempt from the requirements in subparagraph b of paragraph 1 of subdivision h of subsection 1 and subparagraph b of paragraph 2 of subdivision h of subsection 1 for units earned during a semester, quarter, or term that includes March, April, or May of 2020.

⁷⁷ **SECTION 2. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

1. Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1- a. Completed four units of English language arts from a sequence that includes literature, composition, and speech;

2- b. Completed three units of mathematics, including:

a- (1) One unit of algebra II, as defined by the superintendent of public instruction;

b- (2) One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

e- (3) One unit of any other mathematics, which may include computer science;

3- c. Completed three units of science, consisting of:

a- (1) (a) One unit of biology;

(2) (b) One unit of chemistry; and

(3) (c) One unit of physics; or

b- (1)(2) (a) One unit of biology;

(2) (b) One unit of physical science; and

(3) (c) One unit or two one-half units of any other science;

4- d. Completed three units of social studies, including:

⁷⁷ Section 15.1-21-02.5 was also amended by section 2 of House Bill No. 1135, chapter 156, section 2 of Senate Bill No. 2136, chapter 157, and section 4 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

- a. (1) One unit of United States history;
 - b. (1)(2) (a) One-half unit of United States government and one-half unit of economics; or
 - (2) (b) One unit of problems of democracy; and
 - e. (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- 5.a.e. (1) Completed one unit of physical education; or
- b. (2) One-half unit of physical education and one-half unit of health;
6. a.f. (1) Completed two units of:
- (1) (a) The same foreign language;
 - (2) (b) The same native American language;
 - (3) (c) American sign language; or
 - (4) (d) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and
- b. (2) One unit selected from:
 - (1) (a) Foreign languages;
 - (2) (b) Native American languages;
 - (3) (c) American sign language;
 - (4) (d) Fine arts; or
 - (5) (e) Career and technical education;
7. g. Completed any five additional units;
- 8.a.h.(1) (a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2; or

- b. ~~(1)~~(2) (a) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) (b) Obtained a grade of at least "C" in each unit or one-half unit, except as provided under subsection 2;
9. i. Received a composite score of at least twenty-four on an ACT; and
- ~~10. a.~~j. (1) Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
- b. (2) Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or
- e. (3) Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.
2. A resident high school student is exempt from the requirements in subparagraph b of paragraph 1 of subdivision h of subsection 1 and subparagraph b of paragraph 2 of subdivision h of subsection 1 for units earned during a semester, quarter, or term that includes March, April, or May of 2020.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 25, 2021

Filed March 26, 2021

CHAPTER 156

HOUSE BILL NO. 1135

(Representatives Pyle, Cory, Heinert, D. Johnson, Sanford)
(Senators Oban, Schaible, Weber)

AN ACT to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to eligibility for the North Dakota career and technical education scholarship and the North Dakota academic scholarship for high school students enrolled in school districts using course proficiency-based grading systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁸ **SECTION 1. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. (Effective through July 31, 2021)

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
(2) One unit of chemistry; and
(3) One unit of physics; or
 - b. (1) One unit of biology;

⁷⁸ Section 15.1-21-02.4 was also amended by section 1 of House Bill No. 1083, chapter 155, section 1 of Senate Bill No. 2136, chapter 157, and section 3 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

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- (2) One unit of physical science; and
 - (3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
- a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or
- b. One-half unit of physical education and one-half unit of health;
6. Completed:
- a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public

instruction, based only on the units required by subsections 1 through 7; and

(2) Obtained a grade of at least "C" in each unit or one-half unit; and

9. Received:

- a. A composite score of at least twenty-four on an ACT; or
- b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

North Dakota career and technical education scholarship. (Effective after July 31, 2021)

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, integrated mathematics II, or integrated mathematics III, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
 - (2) One unit of chemistry; and
 - (3) One unit of physics; or
 - b. (1) One unit of biology;
 - (2) One unit of physical science; and
 - (3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and

-
- c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
 6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction ~~which may be governed by rules adopted by the superintendent of public instruction;~~ The education pathway must consist of one unit in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
 7. Completed any five additional units, two of which must be in the area of career and technical education;
 8.
 - a.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C", or an equivalent course proficiency score, in each unit or one-half unit; or
 - b.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C", or an equivalent course proficiency score, in each unit or one-half unit; and

9. Received:

- a. A composite score of at least twenty-four on an ACT; or
- b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

⁷⁹ **SECTION 2. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction;
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and
 - c. One unit of any other mathematics, which may include computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
(2) One unit of chemistry; and
(3) One unit of physics; or
 - b. (1) One unit of biology;
(2) One unit of physical science; and
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;

⁷⁹ Section 15.1-21-02.5 was also amended by section 2 of House Bill No. 1083, chapter 155, section 2 of Senate Bill No. 2136, chapter 157, and section 4 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

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- b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
 6. a. Completed two units of:
 - (1) The same foreign language;
 - (2) The same native American language;
 - (3) American sign language; or
 - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
 7. Completed any five additional units;
 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C", or an equivalent course proficiency score, in each unit or one-half unit; or

- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C", or an equivalent course proficiency score, in each unit or one-half unit;
- 9. Received a composite score of at least twenty-four on an ACT; and
 - 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
 - b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or
 - c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

Approved April 19, 2021

Filed April 20, 2021

CHAPTER 157

SENATE BILL NO. 2136

(Senators Poolman, Davison, Oban)
(Representatives Sanford, Strinden)

AN ACT to amend and reenact section 15.1-21-02.4, subdivision a of subsection 6 of section 15.1-21-02.5, and sections 15.1-21-02.6 and 15.1-21-02.8 of the North Dakota Century Code, relating to scholarship eligibility requirements and amounts for students; to repeal section 15.1-21-02.7 of the North Dakota Century Code, relating to scholarships for 2009-10 high school graduates; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁰ **SECTION 1. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. (Effective through July 31, 2021)

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, integrated math II, or integrated math III, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
 - (2) One unit of chemistry; and
 - (3) One unit of physics; or
 - b. (1) One unit of biology;

⁸⁰ Section 15.1-21-02.4 was also amended by section 1 of House Bill No. 1083, chapter 155, section 1 of House Bill No. 1135, chapter 156, and section 3 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

- (2) One unit of physical science; and
- (3) One unit or two one-half units of any other science;
- 4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- 5. a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
- 6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of ~~two units~~one unit in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
- 7. Completed any five additional units, two of which must be in the area of career and technical education;
- 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public

instruction, based only on the units required by subsections 1 through 7; and

(2) Obtained a grade of at least "C" in each unit or one-half unit; and

9. Received:

- a. A composite score of at least twenty-four on an ACT; or
- b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

~~North Dakota career and technical education scholarship. (Effective after July 31, 2021)~~

~~Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:~~

- ~~1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;~~
- ~~2. Completed three units of mathematics, including:~~
 - ~~a. One unit of algebra II, as defined by the superintendent of public instruction; and~~
 - ~~b. Two units of any other mathematics, which may include one unit of computer science;~~
- ~~3. Completed three units of science, consisting of:~~
 - ~~a. (1) One unit of biology;~~
~~(2) One unit of chemistry; and~~
~~(3) One unit of physics; or~~
 - ~~b. (1) One unit of biology;~~
~~(2) One unit of physical science; and~~
~~(3) One unit or two one-half units of any other science;~~
- ~~4. Completed three units of social studies, including:~~
 - ~~a. One unit of United States history;~~
 - ~~b. (1) One-half unit of United States government and one-half unit of economics; or~~
~~(2) One unit of problems of democracy; and~~

- e. ~~One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;~~
5. a. ~~Completed one unit of physical education; or~~
- b. ~~One-half unit of physical education and one-half unit of health;~~
6. ~~Completed:~~
- a. ~~One unit selected from:~~
- ~~(1) Foreign languages;~~
 - ~~(2) Native American languages;~~
 - ~~(3) American sign language;~~
 - ~~(4) Fine arts; or~~
 - ~~(5) Career and technical education courses; and~~
- b. ~~Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction which may be governed by rules adopted by the superintendent of public instruction;~~
7. ~~Completed any five additional units, two of which must be in the area of career and technical education;~~
8. a. ~~(1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and~~
- ~~(2) Obtained a grade of at least "C" in each unit or one-half unit; or~~
- b. ~~(1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and~~
- ~~(2) Obtained a grade of at least "C" in each unit or one-half unit; and~~
9. ~~Received:~~
- a. ~~A composite score of at least twenty-four on an ACT; or~~
- b. ~~A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.~~

⁸¹ **SECTION 2. AMENDMENT.** Subdivision a of subsection 6 of section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

- a. Completed two units of:
 - (1) The same foreign language;
 - (2) The same native American language;
 - (3) American sign language; or
 - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public instruction. The education pathway must consist of ~~two units~~one unit in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and

⁸² **SECTION 3. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree program completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree program completion.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this

⁸¹ Section 15.1-21-02.5 was also amended by section 2 of House Bill No. 1083, chapter 155, section 2 of House Bill No. 1135, chapter 156, and section 4 of Senate Bill No. 2141, chapter 158, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

⁸² Section 15.1-21-02.6 was also amended by section 4 of Senate Bill No. 2289, chapter 159, and section 5 of Senate Bill No. 2289, chapter 159.

section, the board shall provide notification to the student within ten business days.

3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters:
~~(2) This section does not require a student to be enrolled in consecutive, quarters, or clock-hour terms.~~
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7. a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester ~~or, quarter, or clock-hour term~~ before graduation program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward degree program completion" means earning the following minimum number of credits after each semester ~~or, quarter, or clock-hour term~~ disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and

(6) Ninety-nine credits after disbursement seven.

8. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:

- a. Clock hours to credit hours; and
- b. Percentage-based grading to grade point average.

⁸³ **SECTION 4. AMENDMENT.** Section 15.1-21-02.8 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.8. North Dakota scholarship - Eligibility - One-time exception.

1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next semester, quarter, or clock-hour term in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
- b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75 for a second time, the student is no longer eligible to receive any additional North Dakota academic or career and technical education scholarships.
2. a. ~~Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next quarter in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.~~
- b. ~~If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75 for a second time, the student is no longer eligible to receive any additional North Dakota academic or career and technical education scholarships~~For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
 - a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

⁸³ Section 15.1-21-02.8 was also amended by section 6 of Senate Bill No. 2289, chapter 159, and section 7 of Senate Bill No. 2289, chapter 159.

⁸⁴ **SECTION 5. REPEAL.** Section 15.1-21-02.7 of the North Dakota Century Code is repealed.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 22, 2021

Filed March 23, 2021

⁸⁴ Section 15.1-21-02.7 was amended by section 5 of Senate Bill No. 2141, chapter 158, and was also repealed by section 1 of Senate Bill No. 2028, chapter 139.

CHAPTER 158

SENATE BILL NO. 2141

(Senators Schaible, Davison)
(Representatives Heinert, Pyle)

AN ACT to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota Century Code, relating to student assessment scores and vendor references; to repeal section 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-62.5-01 of the North Dakota Century Code is amended and reenacted as follows:

15-62.5-01. Scholars program.

The state board of higher education shall administer the scholars program for the purpose of providing a merit-based scholarship to an individual who:

1. a. Graduated from a high school in this state;
- b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;
- c. Graduated from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
- d. Completed a program of home education supervised in accordance with chapter 15.1-23;
2. On the ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, achieved composite scores that ranked the individual at or above the ninety-fifth percentile among those who took the ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, prior to July first in the calendar year preceding the individual's enrollment;
3. a. Is enrolled at an accredited institution of higher education in this state that offers a program of instruction equal to at least two academic years;
- b. Because of a medically certifiable disability is enrolled at an accredited institution of higher education outside of this state that offers the individual special services or facilities not available in this state, provided the institution offers a program of instruction equal to at least two academic years; and
4. Is pursuing a course of study determined by the board to be full-time.

SECTION 2. AMENDMENT. Section 15-62.5-03 of the North Dakota Century Code is amended and reenacted as follows:

15-62.5-03. Scholars program - Ranking and selection of recipients.

1. The state board of higher education shall rank scholars program applicants by their ACT composite scores or equivalent scores on a nationally recognized standardized test approved by the state board of higher education.
2. If two or more applicants have the same composite scores, they must be ranked by the numeric sum of their four scale scores on the ACT or equivalent scores on a nationally recognized standardized test approved by the state board of higher education.
3. If two or more applicants have the same composite scores and the same numeric sum of the four scale scores, they must be ranked by the numeric sum of their English and mathematics scores.
4. The state board of higher education may establish additional criteria to rank applicants who have the same numeric sum of their English and mathematics scores.
5. Scholarships must be offered to applicants in descending order according to this ranking until available funds have been expended or until the pool of applicants has been exhausted.

⁸⁵ **SECTION 3. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. (Effective through July 31, 2021)

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:

⁸⁵ Section 15.1-21-02.4 was also amended by section 1 of House Bill No. 1083, chapter 155, section 1 of House Bill No. 1135, chapter 156, and section 1 of Senate Bill No. 2136, chapter 157, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

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- a. (1) One unit of biology;
(2) One unit of chemistry; and
(3) One unit of physics; or
 - b. (1) One unit of biology;
(2) One unit of physical science; and
(3) One unit or two one-half units of any other science;
 4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 5. a. Completed one unit of physical education; or
b. One-half unit of physical education and one-half unit of health;
 6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
 7. Completed any five additional units, two of which must be in the area of career and technical education;
 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public

instruction, based on all high school units in which the student was enrolled; and

(2) Obtained a grade of at least "C" in each unit or one-half unit; or

- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and

(2) Obtained a grade of at least "C" in each unit or one-half unit; and

9. Received:

- a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; or

- b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.

North Dakota career and technical education scholarship. (Effective after July 31, 2021)

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
 - (2) One unit of chemistry; and
 - (3) One unit of physics; or
 - b. (1) One unit of biology;
 - (2) One unit of physical science; and
 - (3) One unit or two one-half units of any other science;

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4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
 6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction which may be governed by rules adopted by the superintendent of public instruction;
 7. Completed any five additional units, two of which must be in the area of career and technical education;
 8.
 - a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; and
 9. Received:

- a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; or
- b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.

⁸⁶ **SECTION 4. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction;
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and
 - c. One unit of any other mathematics, which may include computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
(2) One unit of chemistry; and
(3) One unit of physics; or
 - b. (1) One unit of biology;
(2) One unit of physical science; and
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;

⁸⁶ Section 15.1-21-02.5 was also amended by section 2 of House Bill No. 1083, chapter 155, section 2 of House Bill No. 1135, chapter 156, and section 2 of Senate Bill No. 2136, chapter 157, and was repealed by section 10 of Senate Bill No. 2289, chapter 159.

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- b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or
b. One-half unit of physical education and one-half unit of health;
 6. a. Completed two units of:
 - (1) The same foreign language;
 - (2) The same native American language;
 - (3) American sign language; or
 - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and
b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
 7. Completed any five additional units;
 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; or
b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and

- (2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; and
 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
 - b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or
 - c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

⁸⁷ **SECTION 5. AMENDMENT.** Section 15.1-21-02.7 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education.
2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:
 - a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; or
 - b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.
3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections.

SECTION 6. AMENDMENT. Section 15.1-21-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.

⁸⁷ Section 15.1-21-02.7 was repealed by section 1 of Senate Bill No. 2028, chapter 139, and section 5 of Senate Bill No. 2136, chapter 157.

1. A student's parent may direct the school district in which the student is enrolled not to administer to the student any state test or state assessment required in accordance with section 15.1-21-08.
2. In addition to the authority granted under subsection 1, a student's parent may direct that the school district in which the student is enrolled not administer any other specific test or assessment to the student, except a parental directive under this subsection does not apply to:
 - a. Any test or assessment required by the student's school district of enrollment or this state for the completion of any grade from kindergarten through twelve; or
 - b. Any test or assessment required by the student's school district of enrollment or this state for high school graduation;
 - e. ~~The ACT~~; or
 - d. ~~WorkKeys~~ assessments.
3.
 - a. A parental directive is valid only if it is presented to the school district using a standardized form, prepared by the superintendent of public instruction, and signed by the student's custodial parent.
 - b. A parental directive is valid only until the conclusion of the school year in which it is received by the school district.
 - c. A parental directive submitted to a school district in accordance with this section must be retained as part of the student's educational record.
4. A school district is not liable for any consequences incurred by a student as a result of a parental directive submitted in accordance with this section.
5. A school district is not required to provide instruction or activities for a student during the administration of any test or assessment referenced in the parental directive submitted by the student's parent.
6. Each school district shall post the parental directive form on its website and make the form available to a parent, upon request.
7. At the time and in the manner directed by the superintendent of public instruction, each school district shall provide a report regarding:
 - a. The number of parental directives received;
 - b. The number of parental directives applicable to students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency; and
 - c. Any loss of funding stemming from the parental directives.

SECTION 7. AMENDMENT. Section 15.1-21-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-19. Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall may take the:
 - a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; or three
 - b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. ~~The student shall determine which summative assessment to take. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.~~
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.
3. ~~A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.~~
4. ~~At the time and in the manner determined by the superintendent of public instruction, each school district superintendent and each school administrator in the case of a nonpublic school shall report the number of eleventh grade students who:~~
 - a. Took the ACT, including the writing test;
 - b. Took the three WorkKeys assessments; and
 - c. Were exempted from the requirements of this section, together with the reason for each exemption.

SECTION 8. AMENDMENT. Section 15.1-21-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-20. Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the:
 - a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education; or three
 - b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. ~~The student shall determine which summative assessment to take. The school district in which the student resides at the time the student takes the summative assessment is responsible for the cost of one summative assessment and its administration per student.~~
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment.

SECTION 9. REPEAL. Section 15.1-21-17 of the North Dakota Century Code is repealed.

SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT. During the 2021-22 interim, the superintendent of public instruction shall study interim education assessment systems. The study must include consultation and collaboration with education stakeholders and the kindergarten through grade twelve education coordination council. The study also must include an evaluation and review of existing vendors, data standardization, statewide longitudinal data system compatibility, the costs associated with the interim assessment systems, and the benefits of local and statewide interim assessment systems. Before June 1, 2022, the superintendent of public instruction shall report the findings and recommendations of the study, including any proposed legislation necessary to implement the recommendations, to the legislative management.

Approved March 29, 2021

Filed March 30, 2021

CHAPTER 159

SENATE BILL NO. 2289

(Senators Oban, Poolman, Schaible)
(Representatives Mock, Pyle, Sanford)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the creation of a North Dakota scholarship; to amend and reenact sections 15-10-59, 15.1-21-02.6, 15.1-21-02.8, and 15.1-21-02.9 of the North Dakota Century Code, relating to references to the North Dakota scholarship, North Dakota academic scholarship, and North Dakota career and technical education scholarship; to repeal sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to the North Dakota academic and career and technical education scholarships; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁸ **SECTION 1. AMENDMENT.** Section 15-10-59 of the North Dakota Century Code is amended and reenacted as follows:

15-10-59. Annual report - Scholarships.

The state board of higher education shall provide to the legislative management an annual report regarding the number of North Dakota scholarships, North Dakota academic scholarships, and North Dakota career and technical education scholarships provided and demographic information pertaining to the recipients.

⁸⁹ **SECTION 2. AMENDMENT.** Section 15-10-59 of the North Dakota Century Code is amended and reenacted as follows:

15-10-59. Annual report - Scholarships.

The state board of higher education shall provide to the legislative management an annual report regarding the number of North Dakota ~~scholarships, North Dakota academic scholarships, and North Dakota career and technical education~~ scholarships provided and demographic information pertaining to the recipients.

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

North Dakota scholarship.

Any resident student who meets the requirements of section 15.1-21-02.6 is eligible to receive a North Dakota scholarship if the student:

1. Completed an individual consultative process or a nine-week course under subsection 2 of section 15.1-21-18;

⁸⁸ Section 15-10-59 was also amended by section 2 of Senate Bill No. 2289, chapter 159.

⁸⁹ Section 15-10-59 was also amended by section 1 of Senate Bill No. 2289, chapter 159.

2. Completed the civics test under section 15.1-21-27;
3. Completed a four-year rolling plan, as determined by the superintendent of public instruction;
4. Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1;
5. Completed the requirements in at least four of the following while enrolled in grades nine through twelve:
 - a. Twenty-five hours of community service;
 - b. A ninety-five percent attendance rate as determined under section 15.1-20-02.1, not including any school-related absences;
 - c. A career exploration experience, as determined by the superintendent of public instruction;
 - d. At least two years in organized cocurricular activities;
 - e. At least two years in organized extracurricular activities;
 - f. A capstone project, as determined by the superintendent of public instruction;
 - g. An online learning course; and
 - h. Successful demonstration of competency in twenty-first century skills, as determined by the superintendent of public instruction; and
6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
 - a. (1) Received:
 - (a) A composite score of at least twenty-four on an ACT; or
 - (b) A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A score of at least three on an advanced placement examination;

- (e) A score of at least four on an international baccalaureate examination; and
 - (f) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;
- b. (1) Earned four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
- (2) Received:
- (a) A composite score of at least twenty-four on an ACT; or
 - (b) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- (3) Successfully completed the requirements in at least two of the following:
- (a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;
 - (c) A technical assessment or industry credential, as determined by the department of career and technical education;
 - (d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;
 - (e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and
 - (f) Received:
 - [1] A score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or
 - [2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or
- c. (1) Received:

- (a) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military; or
- (b) A score of at least eighty-five on an ASVAB test;
- (2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and
- (3) Completed any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b.

⁹⁰ **SECTION 4. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota ~~scholarship, a North Dakota~~ academic scholarship, or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota ~~scholarship, a North Dakota~~ academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
- (2) This section does not require a student to be enrolled in consecutive quarters.

⁹⁰ Section 15.1-21-02.6 was also amended by section 3 of Senate Bill No. 2136, chapter 157, and section 5 of Senate Bill No. 2289, chapter 159.

- b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate program.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4, ~~or section 15.1-21-02.5,~~ or section 2 of this Act and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
 7.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester or quarter before graduation. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward degree completion" means earning the following minimum number of credits after each semester or quarter term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.

⁹¹ **SECTION 5. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1.
 - a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, ~~a North Dakota academic scholarship, or a North Dakota career and technical education scholarship~~ in the amount of seven

⁹¹ Section 15.1-21-02.6 was also amended by section 3 of Senate Bill No. 2136, chapter 157, and section 4 of Senate Bill No. 2289, chapter 159.

- hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, ~~a North Dakota academic scholarship, or a North Dakota career and technical education scholarship~~ in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
2. The state board shall monitor each scholarship recipient to ensure the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
 3. A student is not entitled to receive more than six thousand dollars under this section.
 4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
 5.
 - a.
 - (1) This section does not require a student to be enrolled in consecutive semesters.
 - (2) This section does not require a student to be enrolled in consecutive quarters.
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate program.
 6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of ~~section 15.1-21-02.4, section 15.1-21-02.5, or section 2~~ of this Act and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
 7.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester or quarter before graduation.

The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.

- c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward degree completion" means earning the following minimum number of credits after each semester or quarter term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.

⁹² **SECTION 6. AMENDMENT.** Section 15.1-21-02.8 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.8. North Dakota scholarship - Eligibility - One-time exception.

1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next semester in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
 - b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester is below 2.75 for a second time, the student is no longer eligible to receive ~~any additional~~ North Dakota, North Dakota academic, or North Dakota career and technical education ~~scholarships~~scholarship.
2. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next quarter in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
 - b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75 for a second time, the student is no longer eligible to receive ~~any additional~~ North Dakota, North Dakota academic, or North Dakota career and technical education ~~scholarships~~scholarship.

⁹² Section 15.1-21-02.8 was also amended by section 4 of Senate Bill No. 2136, chapter 157, and section 7 of Senate Bill No. 2289, chapter 159.

⁹³ **SECTION 7. AMENDMENT.** Section 15.1-21-02.8 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.8. North Dakota scholarship - Eligibility - One-time exception.

1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next semester in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
- b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester is below 2.75 for a second time, the student is no longer eligible to receive a North Dakota-~~North Dakota academic, or North Dakota career and technical education~~ scholarship.
2. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next quarter in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
- b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a quarter is below 2.75 for a second time, the student is no longer eligible to receive a North Dakota-~~North Dakota academic, or North Dakota career and technical education~~ scholarship.

⁹⁴ **SECTION 8. AMENDMENT.** Section 15.1-21-02.9 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.9. North Dakota scholarship - Information system.

Each school district shall use North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the department of public instruction, to submit official transcripts for the North Dakota-~~North Dakota~~ academic, or North Dakota career and technical education scholarship to the superintendent of public instruction.

⁹⁵ **SECTION 9. AMENDMENT.** Section 15.1-21-02.9 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.9. North Dakota scholarship - Information system.

⁹³ Section 15.1-21-02.8 was also amended by section 4 of Senate Bill No. 2136, chapter 157, and section 6 of Senate Bill No. 2289, chapter 159.

⁹⁴ Section 15.1-21-02.9 was also amended by section 9 of Senate Bill No. 2289, chapter 159.

⁹⁵ Section 15.1-21-02.9 was also amended by section 8 of Senate Bill No. 2289, chapter 159.

Each school district shall use North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the department of public instruction, to submit official transcripts for the North Dakota, ~~North Dakota academic, or North Dakota career and technical education~~ scholarship to the superintendent of public instruction.

⁹⁶ **SECTION 10. REPEAL.** Sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code are repealed.

SECTION 11. EFFECTIVE DATE. Sections 2, 5, 7, 9, and 10 of this Act become effective on July 31, 2024.

Approved April 19, 2021

Filed April 20, 2021

⁹⁶ Section 15.1-21-02.4 was amended by section 1 of House Bill No. 1083, chapter 155, section 1 of House Bill No. 1135, chapter 156, section 1 of Senate Bill No. 2136, chapter 157, and section 3 of Senate Bill No. 2141, chapter 158; section 15.1-21-02.5 was amended by section 2 of House Bill No. 1083, chapter 155, section 2 of House Bill No. 1135, chapter 156, section 2 of Senate Bill No. 2136, chapter 157, and section 4 of Senate Bill No. 2141, chapter 158.

CHAPTER 160

HOUSE BILL NO. 1436

(Representatives Schreiber-Beck, Longmuir, Pyle, Zubke)
(Senator Oban)

AN ACT to amend and reenact subsection 1 of section 15.1-21-16 of the North Dakota Century Code, relating to summer school courses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-21-16 of the North Dakota Century Code is amended and reenacted as follows:

1. a. ~~Remedial mathematics~~Mathematics provided to students enrolled in any grade from kindergarten through eight;
- b. ~~Remedial reading~~Reading provided to students enrolled in any grade from kindergarten through eight;
- c. ~~Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;~~
- d. ~~Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;~~
- e. ~~Beginning after the conclusion of the 2009-10 school calendar, science~~Science provided to students enrolled in any grade from five through eight; and
- f. ~~Beginning after the conclusion of the 2009-10 school calendar, social~~
- d. Social studies provided to students enrolled in any grade from five through eight; and

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

Approved April 12, 2021

Filed April 13, 2021

CHAPTER 161

HOUSE BILL NO. 1246

(Representatives M. Nelson, Adams, Sanford)
(Senator Bakke)

AN ACT to amend and reenact section 15.1-27-04.1 of the North Dakota Century Code, relating to the education foundation aid funding formula and the treatment of federal impact aid funding.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹⁷ **SECTION 1. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and, tuition received for the provision of an adult farm

⁹⁷ Section 15.1-27-04.1 was also amended by section 11 of House Bill No. 1388, chapter 141.

management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;

- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3); and
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units

after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the 2019-20 school year, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by nine thousand eight hundred thirty-nine dollars;
 - (2) One hundred one percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by nine thousand eight hundred thirty-nine dollars; or
 - (3) The district's baseline funding as established in subsection 1.
 - b. For the 2020-21 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ten thousand thirty-six dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand thirty-six dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent for the 2021-22 school year and fifteen percent each school year thereafter, and then the difference added to the amount determined in paragraph 1.

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- c. The superintendent also shall adjust state aid determined in this subsection:
- (1) For the 2019-20 school year, to ensure the amount does not exceed one hundred five percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
 - (2) For the 2020-21 school year and each school year thereafter, to ensure the amount does not exceed one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2018 by the school district for sinking and interest relative to the total mills levied in 2018 by the school district for all purposes.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
 - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

Baseline funding - Establishment - Determination of state aid. (Effective after June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and, tuition received for the provision of an adult farm

management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;

- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3); and
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per

weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the 2019-20 school year, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by nine thousand eight hundred thirty-nine dollars;
 - (2) One hundred one percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by nine thousand eight hundred thirty-nine dollars; or
 - (3) The district's baseline funding as established in subsection 1.
 - b. For the 2020-21 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ten thousand thirty-six dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand thirty-six dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent for the 2021-22 school year and fifteen percent each school year thereafter, and then the difference added to the amount determined in paragraph 1.
 - c. The superintendent also shall adjust state aid determined in this subsection:

- (1) For the 2019-20 school year, to ensure the amount does not exceed one hundred five percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
 - (2) For the 2020-21 school year and each school year thereafter, to ensure the amount does not exceed one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility ~~and~~, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2018 by the school district for sinking and interest relative to the total mills levied in 2018 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
 - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

Approved April 22, 2021

Filed April 23, 2021

CHAPTER 162

HOUSE BILL NO. 1027

(Legislative Management)
(Education Funding Formula Review Committee)

AN ACT to create and enact five new sections to chapter 15.1-27 of the North Dakota Century Code, relating to school district transportation aid payments; to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of open enrollment students; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district transportation of students - Payments.

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts from state funds:
 - a. For schoolbuses and school vehicles transporting students:
 - (1) Fifty-two cents per mile [1.61 kilometers] for vehicles that have a capacity of fewer than ten students; and
 - (2) One dollar and eleven cents per mile [1.61 kilometers] for schoolbuses that have a capacity of ten or more students; and
 - b. Thirty cents per one-way trip for each student transported.
2. The superintendent of public instruction shall provide per mileage payments if:
 - a. A school district qualifies to receive payment pursuant to subsection 1; and
 - b. The school district operates schoolbuses in accordance with state law relating to schoolbus standards and school vehicle driver requirements. A school district shall certify compliance with state law relating to schoolbus standards and school vehicle driver requirements when applying for payment under this section. The superintendent of public instruction may adopt rules governing certification of compliance under this subdivision.
3. Subject to legislative appropriation, the superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] one-way for each mile over two miles [3.22 kilometers] for students transported by family transportation in accordance with section 15.1-30-02, according to the distance between the home of the student and the school. The distance must be measured by the route from the front door of the school

attended to the front door of the residence of the family of the student according to the most convenient public course traveled.

4. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of this section, with the exception of the 2021-22 and 2022-23 school years, for which the superintendent of public instruction shall calculate each school district's payment based on the district's miles and ridership data from the 2018-19 school year or the previous school year, whichever is greater.
5. This section does not authorize the reimbursement of any costs incurred in providing transportation for students to attend extracurricular activities or events.

SECTION 2. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district transportation of special education students - Payments.

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district transporting students enrolled in special education programs approved by the superintendent of public instruction:
 - a. The amount provided in section 1 of this Act for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;
 - b. The amount provided in section 1 of this Act for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and
 - c. The additional amount provided in section 1 of this Act, per one-way trip, for each student transported.
2. Subject to legislative appropriation, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
3. Subject to legislative appropriation, the superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] if:
 - a. The student being transported has a disability, as defined in chapter 15.1-32;
 - b. The student has an individualized education plan that requires the student attend a public or nonpublic school located outside the student's school district of residence;
 - c. The student is transported by an adult family member in family provided transportation; and
 - d. The reimbursement does not exceed two round trips per day between the home of the student and the school.

4. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to a multidistrict special education unit.

SECTION 3. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district transportation of career and technical education students - Payments.

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district transporting students to and from schools in other school districts, to and from area career and technology centers, and to and from schools within the district for career and technical education courses offered through cooperative arrangements approved by the state board for career and technical education:
 - a. The amount provided in section 1 of this Act for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;
 - b. The amount provided in section 1 of this Act for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and
 - c. The additional amount provided in section 1 of this Act, per one-way trip, for each student transported.
2. Subject to legislative appropriation, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
3. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to an area career and technology center.

SECTION 4. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district closure - Distribution of transportation payments.

1. If a school district ceases to exist, the superintendent of public instruction shall calculate the amount of transportation payments to which the former school district would have been entitled for providing transportation services during the school district's final year of operation and shall pay a percentage of the amount certified to each school district in the state which enrolls students who attended the former school district during the prior school year. Each school district eligible for payment under this section is entitled to receive the percentage of the total amount certified which is the same as the percentage of the number of the district's students who attended the former school district during the prior school year bears to the total number of students who attended the former school district during the prior school year.

2. Subject to legislative appropriation, the superintendent of public instruction shall pay the amount to which a school district is entitled under this section in the manner and at the time provided for other state payments in section 15.1-27-01.

SECTION 5. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

State transportation payments to school districts.

1. Subject to legislative appropriation, the superintendent of public instruction shall determine the total amount of payments to be made to the school districts for the transportation of students and shall pay the amount certified to each school district. Payments must be made in the same manner and at the time provided for other state payments in section 15.1-27-01. The superintendent of public instruction may not distribute more than one-half of the amount appropriated for transportation grants for any biennium in the first year of the biennium. If total transportation reimbursement claims exceed the amount appropriated by the legislative assembly, the superintendent of public instruction shall reduce transportation reimbursements on a prorated basis for all school districts requesting reimbursements.
2. A school district may not receive more than ninety percent of the actual costs incurred for the transportation of students.
3. For purposes of this section, actual costs include the transportation operating expenditures reported to the superintendent of public instruction for the most recent year plus the eight-year average cost of transportation equipment determined by the superintendent of public instruction. Any district having contracted for transportation services may determine the actual costs for the first year the district provides its own transportation services by using the statewide average cost of transportation during the first year.

SECTION 6. AMENDMENT. Section 15.1-31-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-05. Open enrollment - Transportation.

A school district of residence may provide transportation to a student participating in open enrollment. If a district of residence does not provide transportation to a student participating in open enrollment, transportation may be provided by the admitting district. A school district may not receive transportation aid disbursements under subdivision a of subsection 1 of section 1 of this Act or subsection 3 of section 1 of this Act for transporting students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - CAREER AND TECHNICAL EDUCATION STUDENT TRANSPORTATION COSTS. During the 2021-22 interim, the legislative management shall consider studying the impact of additional career and technical education center student transportation on student transportation costs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

Approved April 28, 2021

Filed April 29, 2021

CHAPTER 163

SENATE BILL NO. 2269

(Senator Poolman)
(Representative Martinson)

AN ACT to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to a postsecondary transitional grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Postsecondary transitional grant program - Students.

The superintendent of public instruction shall provide integrated formula payments to postsecondary transitional programs for eligible students enrolled in a postsecondary transitional program within the state at the rate provided under section 15.1-27-04.1. For purposes of this section, "eligible student" means a student with a documented intellectual or developmental disability who is at least eighteen years of age but has not reached the age of twenty-two, who has graduated from a public high school in the state or obtained an equivalent degree, and who enrolls in a postsecondary transitional program. By June thirtieth of each year, postsecondary transitional programs shall submit to the superintendent of public instruction for the reimbursement of eligible students enrolled in the program. Grant payments under this section may not exceed the per student rate under section 15.1-27-04.1. The superintendent of public instruction shall review and approve postsecondary transitional programs and develop a system for the distribution of payments necessary to implement this section.

Approved April 19, 2021

Filed April 20, 2021