

**FIRST ENGROSSMENT  
with Senate Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1400**

Introduced by

Representatives R. Kelsch, Mueller, Wall

Senators Flakoll, Holmberg, Taylor

1 A BILL for an Act to create and enact two new sections to chapter 15-20.1, two new sections to  
2 chapter 15.1-02, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, a new  
3 section to chapter 15.1-13, chapter 15.1-18.2, six new sections to chapter 15.1-21, sections  
4 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6, two new sections to chapter  
5 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating  
6 to career development facilitation, student health insurance, the use of federal stimulus dollars,  
7 school personnel, national board certification, program and course requirements, assessments,  
8 state aid payments, and an early childhood education council; to amend and reenact sections  
9 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2,  
10 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-41, and 15.1-32-18 of the North Dakota Century  
11 Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars,  
12 course requirements, state aid payments, and special education; to provide an appropriation; to  
13 provide a continuing appropriation; to provide for teacher compensation increases; to provide  
14 for the distribution of teacher support system grants, transportation grants, reorganization  
15 planning grants, regional education association grants, baseline recalculation grants, deferred  
16 maintenance grants, and contingency payments; to provide for a contingent transfer; to provide  
17 for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41,  
18 and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation  
19 requirements, the minimum mill levy offset, the commission on education improvement, and  
20 new immigrant English language learners; to provide an effective date; and to declare an  
21 emergency.

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

23 **SECTION 1.** A new section to chapter 15-20.1 of the North Dakota Century Code is  
24 created and enacted as follows:

1           **Career development facilitation - Certificate - Qualifications.**

- 2           1.   The department shall develop a program leading to a certificate in career  
3           development facilitation. The department shall award the certificate to any  
4           individual who:  
5           a.   Holds a baccalaureate degree from an accredited institution of higher  
6           education;  
7           b.   Has at least a five-year employment history; and  
8           c.   Successfully completes the department's programmatic requirements.  
9           2.   An individual holding a certificate awarded under this section is a career advisor.

10          **SECTION 2.** A new section to chapter 15-20.1 of the North Dakota Century Code is  
11 created and enacted as follows:

12           **Career development facilitation - Provisional approval.**

- 13          1.   The department may provisionally approve an individual to serve as a career  
14          advisor if the individual:  
15          a.   Holds a baccalaureate degree from an accredited institution of higher  
16          education;  
17          b.   Has at least a five-year employment history; and  
18          c.   Provides the department with a plan for completing the department's  
19          programmatic requirements within a two-year period.  
20          2.   Provisional approval under subsection 1 is valid for a period of two years and may  
21          not be extended by the department.

22          **SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is  
23 created and enacted as follows:

24           **Health insurance programs - Joint enrollment program.** The superintendent of  
25 public instruction and the department of human services jointly shall develop a system under  
26 which families of children enrolling in the public school system are provided with information  
27 regarding state and federally funded health insurance programs and encouraged to apply for  
28 such coverage if determined to be eligible.

29          **SECTION 4.** A new section to chapter 15.1-02 of the North Dakota Century Code is  
30 created and enacted as follows:

31           **Federal stimulus dollars - Notification of nonreplacement - Publication of notice.**

- 1           1. The superintendent of public instruction shall notify the superintendent and board  
2           of each school district in the state, by registered mail, that any federal stimulus  
3           dollars received by the district as a result of the American Recovery and  
4           Reinvestment Act of 2009 should be used only for one-time, nonrecurring  
5           expenditures because this state is not responsible for replacing that level of  
6           funding or otherwise sustaining that level of funding during the 2011-13 biennium.  
7           2. During the thirty-day period following receipt of the notification, the superintendent  
8           of each school district shall arrange to publish the notice at least twice in the  
9           official newspaper of the district.

10           **SECTION 5. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **15.1-06-04. School calendar - Length.**

- 13           1. a. During ~~each~~ the 2009-10 school year, a school district shall provide for a  
14           school calendar of at least one hundred eighty days, apportioned as follows:  
15           ~~a.~~ (1) One hundred seventy-three full days of instruction;  
16           ~~b.~~ (2) Three holidays listed in subdivisions b through j of subsection 1 of  
17           section 15.1-06-02 and selected by the school board in consultation  
18           with district teachers;  
19           ~~c.~~ (3) Up to two full days during which parent-teacher conferences are held or  
20           which are deemed by the school board to be compensatory time for  
21           parent-teacher conferences held outside regular school hours; and  
22           ~~d.~~ (4) Two days for professional development activities.  
23           b. Beginning with the 2010-11 school year, a school district shall provide for a  
24           school calendar of at least one hundred eighty-two days, apportioned as  
25           follows:  
26           (1) One hundred seventy-four full days of instruction;  
27           (2) Three holidays listed in subdivisions b through j of subsection 1 of  
28           section 15.1-06-02 and selected by the school board in consultation  
29           with district teachers;

- 1                   (3) Up to two full days during which parent-teacher conferences are held or  
2                                 which are deemed by the school board to be compensatory time for  
3                                 parent-teacher conferences held outside regular school hours; and
- 4                   (4) Three days for professional development activities.
- 5           2.   a.   In meeting the requirements for two days of professional development  
6                                 activities under subsection 1, a school district may require that its teachers  
7                                 attend the North Dakota education association instructional conference and  
8                                 may pay teachers for attending the conference, provided attendance is  
9                                 verified.
- 10                   b.   In meeting the requirements for two days of professional development  
11                                activities under subsection 1, a school district may consider attendance at the  
12                                North Dakota education association instructional conference to be optional,  
13                                elect not to pay teachers for attending the instructional conference, and  
14                                instead direct any resulting savings toward providing alternate professional  
15                                development opportunities.
- 16                   c.   For purposes of this section, a "day for professional development activities"  
17                                means:
- 18                                (1)   Six hours of professional development activities, exclusive of meals  
19                                and other breaks, conducted within a single day; or
- 20                                (2)   Two four-hour periods of professional development activities, exclusive  
21                                of meals and other breaks, conducted over two days.
- 22           3.   If a school district offers a four-hour period of professional development activities,  
23                                as permitted in subdivision c of subsection 2, the school district may schedule  
24                                instruction during other available hours on that same day and be credited with  
25                                providing one-half day of instruction to students. The provisions of this subsection  
26                                do not apply unless the one-half day of instruction equals at least one-half of the  
27                                time required for a full day of instruction, as defined in this section.
- 28           4.   A school district may not require the attendance of teachers in school or at any  
29                                school-sponsored, school-directed, school-sanctioned, or school-related activities  
30                                and may not schedule classroom instruction time nor alternate professional

- 1 development activities on any day that conflicts with the North Dakota education  
2 association instructional conference.
- 3 5. ~~a. During the 2007-08 school year, a full day of instruction consists of:~~  
4 (1) ~~At least five and one-half hours for elementary students, during which~~  
5 ~~time the students are required to be in attendance for the purpose of~~  
6 ~~receiving curricular instruction; and~~  
7 (2) ~~At least six hours for high school students, during which time the~~  
8 ~~students are required to be in attendance for the purpose of receiving~~  
9 ~~curricular instruction.~~
- 10 b. ~~Beginning with the 2008-09 school year, a~~ A full day of instruction consists of:  
11 (1) a. At least five and one-half hours for kindergarten and elementary students,  
12 during which time the students are required to be in attendance for the  
13 purpose of receiving curricular instruction; and  
14 (2) b. At least six hours for high school students, during which time the students are  
15 required to be in attendance for the purpose of receiving curricular instruction.
- 16 6. If a school's calendar provides for an extension of each schoolday beyond the  
17 statutorily required minimum number of hours, and if the extensions when  
18 aggregated over an entire school year amount to more than eighty-four hours of  
19 additional classroom instruction during the school year, the school is exempt from  
20 having to make up six hours of instruction time lost as a result of weather-related  
21 closure. In order to make up lost classroom instruction time beyond the six hours,  
22 the school must extend its normal school calendar day by at least thirty minutes.
- 23 7. A school that does not qualify under ~~the provisions of~~ subsection 6 must extend its  
24 normal schoolday by at least thirty minutes to make up classroom instruction time  
25 lost as a result of weather-related closure.
- 26 8. If because of weather a school must dismiss before completing a full day of  
27 instruction, the school is responsible for making up only those hours and portions  
28 of an hour between the time of early dismissal and the conclusion of a full day of  
29 classroom instruction.

30 **SECTION 6.** A new section to chapter 15.1-06 of the North Dakota Century Code is  
31 created and enacted as follows:

1           **Counselor positions - Requirement.**

- 2           1. Each school district must have available one full-time equivalent counselor for  
3           every three hundred students in grades seven through twelve.
- 4           2. Up to one-third of the full-time equivalency requirement established in subsection 1  
5           may be met by career advisors.
- 6           3. For purposes of this section, a "career advisor" means an individual who holds a  
7           certificate in career development facilitation issued by the department of career  
8           and technical education under section 1 of this Act or an individual who is  
9           provisionally approved by the department of career and technical education under  
10           section 2 of this Act to serve as a career advisor.

11           **SECTION 7.** A new section to chapter 15.1-06 of the North Dakota Century Code is  
12 created and enacted as follows:

13           **Career advisor - Duties.** A career advisor shall provide sequential career  
14 development activities, current career information, and related career exploration opportunities  
15 to students in grades seven through twelve. A career advisor shall use computer-assisted  
16 career guidance systems and work at the direction and under the supervision of the school  
17 district counseling staff.

18           **SECTION 8.** A new section to chapter 15.1-07 of the North Dakota Century Code is  
19 created and enacted as follows:

20           **Student performance strategist - Verification - Qualifications.** Beginning with the  
21 2010-11 school year, each school district must have available one full-time equivalent student  
22 performance strategist for every four hundred students in average daily membership in  
23 kindergarten through grade three. Each school district shall submit documentation to the  
24 superintendent of public instruction, at the time and in the manner directed by the  
25 superintendent, verifying the amount of time that each student performance strategist  
26 expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in  
27 providing instructional coaching to teachers. For purposes of this section, a "student  
28 performance strategist" must meet the qualifications of an elementary school teacher as set  
29 forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

30           **SECTION 9. AMENDMENT.** Section 15.1-09.1-10 of the North Dakota Century Code  
31 is amended and reenacted as follows:

1           **15.1-09.1-10. State aid - Payable to a regional education association - Obligation**  
2 **of district.**

- 3           1. The superintendent of public instruction shall forward the portion of a school  
4 district's state aid ~~that~~ which is payable by the superintendent under subdivision o  
5 of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a  
6 regional education association directly to the association in which the district  
7 participates. The superintendent shall forward the amount payable under this  
8 subsection at the same time and in the same manner as provided for other state  
9 aid payments under section 15.1-27-01.
- 10          2. If the superintendent of public instruction determines that a school district failed to  
11 meet any contractual or statutory obligation imposed upon it as a result of the  
12 district's participation in a regional education association, the superintendent shall  
13 subtract the amount for which the district was not eligible from any future  
14 distribution of state aid to the district under section 15.1-27-01.

15           **SECTION 10.** A new section to chapter 15.1-13 of the North Dakota Century Code is  
16 created and enacted as follows:

17           **National board certification fund - Creation - Continuing appropriation.**

- 18          1. The national board certification fund is a special fund in the state treasury. The  
19 state investment board shall invest the fund in accordance with chapter 21-10. All  
20 interest and income received on investments are appropriated on a continuing  
21 basis to the education standards and practices board for the purpose of awarding  
22 grants to teachers pursuing national board certification.
- 23          2. The education standards and practices board shall make grants available to  
24 applicants in an amount equal to the cost of obtaining national board certification,  
25 but not exceeding two thousand five hundred dollars per applicant. The board  
26 shall make the grants available to applicants in chronological order, based on the  
27 date the board receives an applicant's completed application.
- 28          3. As a condition of the grant, the education standards and practices board may  
29 require recipients who achieve national board certification to mentor other  
30 individuals who are licensed to teach by the board.

1           **SECTION 11.** Chapter 15.1-18.2 of the North Dakota Century Code is created and  
2 enacted as follows:

3           **15.1-18.2-01. Professional development plan - Adoption - Review by school**  
4 **district.**

- 5           1. Each school district shall adopt a professional development plan. The plan must  
6 include a description of the professional development activities that the district  
7 offers or makes available, the district's requirements for participation by teachers,  
8 and the manner in which participation is documented.  
9           2. Each school district shall review and if necessary modify its plan at least once  
10 every five years.  
11           3. Each school district shall file a copy of its most recent professional development  
12 plan with the superintendent of public instruction.

13           **15.1-18.2-02. Professional development plan - Review by superintendent of**  
14 **public instruction.** The superintendent of public instruction shall review each school district's  
15 professional development plan to ensure that the plan meets the requirements of section  
16 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is  
17 implemented in an efficient and effective manner.

18           **15.1-18.2-03. Professional development advisory committee - Duties - Staff**  
19 **support.**

- 20           1. The superintendent of public instruction shall appoint a professional development  
21 advisory committee to:  
22           a. Examine the delivery of professional development in this state;  
23           b. Review professional development needs from the perspective of teachers,  
24 school administrators, school board members, and parents;  
25           c. Review the professional development plans filed by school districts and  
26 propose changes to improve the opportunities for professional development;  
27 and  
28           d. Advise the superintendent regarding regulatory and statutory measures that  
29 could be pursued to improve the quality and availability of professional  
30 development opportunities.



1           2.   The superintendent shall provide staff support to the professional development  
2                    advisory committee.

3           **SECTION 12. AMENDMENT.** Section 15.1-21-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **15.1-21-02. High schools - Required units.**

6           1.   In order to be approved by the superintendent of public instruction, each public and  
7 nonpublic high school shall make available to each student:

- 8           a.   Four units of English language arts;
- 9           b.   Four units of mathematics;
- 10          c.   Four units of science;
- 11          d.   Four units of social studies, including one of world history and one of United  
12             States history;
- 13          e.   One-half unit of health;
- 14          f.   One-half unit of physical education during each school year, provided that  
15             once every four years the unit must be a concept-based fitness class that  
16             includes instruction in the assessment, improvement, and maintenance of  
17             personal fitness;
- 18          g.   Two units of fine arts, at least one of which must be music;
- 19          h.   Two units of the same foreign or native American language; and
- 20          i.   Two units of career and technical education.

21          2.   In addition to the requirements of subsection 1, each public and nonpublic high  
22 school shall make available to each student, at least once every two years,  
23 one-half unit of North Dakota studies, with an emphasis on the geography, history,  
24 and agriculture of this state.

25          3.   Each unit which must be made available under this section must meet or exceed  
26 the state content standards.

27          4.   For purposes of this section, unless the context otherwise requires, "make  
28 available" means that:

- 29          a.   Each public high school and nonpublic high school shall allow students to  
30             select units over the course of a high school career from a list that includes at  
31             least those required by this section;

- 1           b. If a student selects a unit from the list required by this section, the public high  
2           school or the nonpublic high school shall provide the unit to the student; and  
3           c. The unit may be provided to the student through any delivery method not  
4           contrary to state law and may include classroom or individual instruction and  
5           distance learning options, including interactive video, computer instruction,  
6           correspondence courses, and postsecondary enrollment under chapter  
7           15.1-25.
- 8           5. The board of a school district may not impose any fees or charges upon a student  
9           for the provision of or participation in units as provided in this section, other than  
10          the fees permitted by section 15.1-09-36.
- 11          6. If in order to meet the minimum requirements of this section a school district  
12          includes academic courses offered by a postsecondary institution under chapter  
13          15.1-25, the school district shall:
- 14           a. Pay all costs of the student's attendance, except those fees that are  
15           permissible under section 15.1-09-36; and  
16           b. Transport the student to and from the location at which the course is offered  
17           or provide mileage reimbursement to the student if transportation is provided  
18           by the student or the student's family.
- 19          7. The requirements of this section do not apply to alternative high schools or  
20          alternative high school education programs.
- 21          8. The requirements of subdivisions g and h of subsection 1 do not apply to the North  
22          Dakota youth correctional center.

23          **SECTION 13. AMENDMENT.** Section 15.1-21-02.1 of the North Dakota Century Code  
24 is amended and reenacted as follows:

25          **15.1-21-02.1. High school graduation - Diploma requirements.** ~~Before~~ Except as  
26 provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center  
27 for distance education issues a high school diploma to a student, the student must have  
28 successfully completed ~~at least twenty-one~~ the following twenty-two units of high school  
29 coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02.~~  
30 ~~Beginning with the 2009-10 school year, the number of units required by this section increases~~

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1 ~~to twenty two and beginning with the 2011-12 school year, the number of units required by this~~  
2 ~~section increases to twenty four:~~

- 3       1. Four units of English language arts from a sequence that includes literature,  
4           composition, and speech;
- 5       2. Three units of mathematics;
- 6       3. Three units of science, including:
  - 7           a. One unit of physical science;
  - 8           b. One unit of biology; and
  - 9           c. (1) One unit of any other science; or  
10               (2) Two one-half units of any other science;
- 11      4. Three units of social studies, including:
  - 12           a. One unit of United States history;
  - 13           b. (1) One-half unit of United States government and one-half unit of  
14               economics; or  
15               (2) One unit of problems of democracy; and
  - 16           c. One unit or two one-half units of any other social studies, which may include  
17               civics, civilization, geography and history, multicultural studies, North Dakota  
18               studies, psychology, sociology, and world history;
- 19      5. a. One unit of physical education; or  
20           b. One-half unit of physical education and one-half unit of health;
- 21      6. Three units of:
  - 22           a. Foreign languages;
  - 23           b. Native American languages;
  - 24           c. Fine arts; or
  - 25           d. Career and technical education courses; and
- 26      7. Any five additional units.

27       **SECTION 14.** Section 15.1-21-02.3 of the North Dakota Century Code is created and  
28 enacted as follows:

29       **15.1-21-02.3. Optional high school curriculum - Requirements.** If after completing  
30 at least two years of high school a student has failed to pass at least one-half unit from three  
31 subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth

1 percentile of other students in the district who are enrolled in the same grade, the student may  
2 request that the student's career advisor, guidance counselor, or principal meet with the student  
3 and the student's parent to determine if the student should be permitted to pursue an optional  
4 high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a  
5 student's parent consents in writing to the student pursuing the optional high school curriculum,  
6 the student is eligible to receive a high school diploma upon completing the following  
7 requirements:

- 8       1. Four units of English language arts from a sequence that includes literature,  
9       composition, and speech;
- 10       2. Two units of mathematics;
- 11       3. Two units of science;
- 12       4. Three units of social studies, which may include up to one-half unit of North Dakota  
13       studies and one-half unit of multicultural studies;
- 14       5. a. One unit of physical education; or  
15        b. One-half unit of physical education and one-half unit of health;
- 16       6. Two units of:
  - 17        a. Foreign languages;
  - 18        b. Native American languages;
  - 19        c. Fine arts; or
  - 20        d. Career and technical education courses; and
- 21       7. Any seven additional units.

22       **SECTION 15.** Section 15.1-21-02.4 of the North Dakota Century Code is created and  
23 enacted as follows:

24       **15.1-21-02.4. North Dakota career and technical education scholarship.** Any  
25 resident student who graduates from a high school during or after the 2010-11 school year is  
26 eligible to receive a North Dakota career and technical education scholarship provided the  
27 student completes all requirements set forth in subsections 1 through 5 and subsection 7 of  
28 section 15.1-21-02.1 for a high school diploma and:

- 29       1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement  
30       set forth in subsection 2 of section 15.1-21-02.1;

- 1           b. Completes two units of a coordinated plan of study recommended by the
- 2                     department of career and technical education and approved by the
- 3                     superintendent of public instruction; and
- 4           c. Completes three additional units, two of which must be in the area of career
- 5                     and technical education;
- 6           2. Obtains a grade of at least "C" in each unit or one-half unit required for the
- 7                     diploma;
- 8           3. Obtains a cumulative grade point of at least "B"; and
- 9           4. Receives:
- 10           a. A composite score of at least twenty-four on an ACT;
- 11           b. A score of at least one thousand one hundred on the critical reading and
- 12                     mathematics portions of the SAT; or
- 13           c. A score of at least five on each of three WorkKeys assessments
- 14                     recommended by the department of career and technical education and
- 15                     approved by the superintendent of public instruction.

16           **SECTION 16.** Section 15.1-21-02.5 of the North Dakota Century Code is created and  
17 enacted as follows:

18           **15.1-21-02.5. North Dakota academic scholarship.** Any resident student who  
19 graduates from a high school during or after the 2010-11 school year is eligible to receive a  
20 North Dakota academic scholarship provided the student completes all requirements set forth  
21 in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma  
22 and:

- 23           1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement
- 24                     set forth in subsection 2 of section 15.1-21-02.1;
- 25           b. Completes one additional unit of mathematics for which algebra II is a
- 26                     prerequisite; and
- 27           c. Completes:
- 28                     (1) Two units of the same foreign or native American language;
- 29                     (2) One unit of fine arts or career and technical education; and
- 30                     (3) One unit of a foreign or native American language, fine arts, or career
- 31                     and technical education;

- 1           2. Obtains a grade of at least "C" in each unit or one-half unit required for the
- 2                 diploma;
- 3           3. Obtains a cumulative grade point of at least "B";
- 4           4. Receives a composite score of at least twenty-four on an ACT or a score of at
- 5                 least one thousand one hundred on the critical reading and mathematics portions
- 6                 of the SAT; and
- 7           5. Completes one unit of an advanced placement course and examination or a
- 8                 dual-credit course.

9           **SECTION 17.** Section 15.1-21-02.6 of the North Dakota Century Code is created and  
10 enacted as follows:

11           **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

- 12           1. The state board of higher education shall provide to any eligible student a North
- 13                 Dakota scholarship in the amount of seven hundred fifty dollars for each semester
- 14                 during which the student is enrolled full time at an accredited institution of higher
- 15                 education in this state and maintains a grade point average of 2.75.
- 16           2. A student is not entitled to receive more than six thousand dollars under this
- 17                 section.
- 18           3. The state board of higher education shall forward the scholarship directly to the
- 19                 institution in which the student is enrolled.
- 20           4. This section does not require a student to be enrolled in consecutive semesters.
- 21                 However, a scholarship under this section is valid only for six academic years after
- 22                 the student's graduation from high school and may not be applied to graduate
- 23                 programs.
- 24           5. A scholarship under this section is available to any eligible student who graduates
- 25                 from a high school in this state or from a high school in a bordering state under
- 26                 chapter 15.1-29.

27           **SECTION 18.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
28 created and enacted as follows:

29           **Summer school courses and programs - Eligibility for payment.** The summer  
30 school courses and programs for which a school district may receive payment as provided in  
31 section 15.1-27-19 are:

- 1           1. a. Remedial mathematics provided to students enrolled in any grade from  
2                     kindergarten through eight;
- 3                     b. Remedial reading provided to students enrolled in any grade from  
4                     kindergarten through eight;
- 5                     c. Mathematics provided to students enrolled in any grade from five through  
6                     nine;
- 7                     d. Reading provided to students enrolled in any grade from five through nine;  
8                     e. Science provided to students enrolled in any grade from five through nine;  
9                     and
- 10                  f. Social studies provided to students enrolled in any grade from five through  
11                     nine; and
- 12           2. Any other high school summer courses that satisfy requirements for graduation,  
13                     comprise at least as many clock-hours as courses offered during the regular  
14                     school term, and comply with rules adopted by the superintendent of public  
15                     instruction.

16           **SECTION 19.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
17 created and enacted as follows:

18           **Interim assessment.** Each school district shall administer annually to students in  
19 grades two through ten the measures of academic progress test or any other interim  
20 assessment approved by the superintendent of public instruction.

21           **SECTION 20.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
22 created and enacted as follows:

23           **Career interest inventory.** A school district shall administer to students, once during  
24 their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a  
25 career interest inventory recommended by the department of career and technical education  
26 and approved by the superintendent of public instruction.

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

29           **Summative assessment - Selection - Cost - Exemptions.**

- 30           1. Except as otherwise provided, each student in grade eleven shall take the ACT,  
31                     the SAT, or three WorkKeys assessments recommended by the department of

1           career and technical education and approved by the superintendent of public  
2           instruction. The student shall determine which summative assessment to take.  
3           The student's school district is responsible for the cost of one summative  
4           assessment and its administration per student.

5           2. The student's career advisor or guidance counselor shall meet with the student to  
6           review the student's assessment results.

7           3. A school district superintendent may exempt a student from the requirements of  
8           this section if taking the test is not required by the student's individualized  
9           education program plan or if the superintendent determines that other special  
10          circumstances exist.

11          **SECTION 22.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
12 created and enacted as follows:

13          **Summative assessment - General educational development diploma - Selection -**  
14 **Cost.**

15          1. Except as otherwise provided, each student pursuing a general educational  
16          development diploma may take the ACT, the SAT, or three WorkKeys  
17          assessments recommended by the department of career and technical education  
18          and approved by the superintendent of public instruction. The student shall  
19          determine which summative assessment to take. The student's school district is  
20          responsible for the cost of one summative assessment and its administration per  
21          student.

22          2. The student's career advisor or guidance counselor shall meet with the student to  
23          review the student's assessment results.

24          **SECTION 23. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code  
25 is amended and reenacted as follows:

26          **15.1-27-03.1. Weighted average daily membership - Determination.**

27          1. For each school district, the superintendent of public instruction shall multiply by:  
28               a. 1.00 the number of full-time equivalent students enrolled in a migrant summer  
29               program;  
30               b. 1.00 the number of full-time equivalent students enrolled in an extended  
31               educational program in accordance with section 15.1-32-17;



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- 1 c. 0.60 the number of full-time equivalent students enrolled in a summer  
2 education program;
- 3 d. 0.50 the number of full-time equivalent students enrolled in a home-based  
4 education program and monitored by the school district under chapter  
5 15.1-23;
- 6 e. 0.25 the number of full-time equivalent students enrolled in an alternative high  
7 school;
- 8 f. 0.25 the number of full-time equivalent students enrolled in an isolated  
9 elementary school;
- 10 g. 0.25 the number of full-time equivalent students enrolled in an isolated high  
11 school;
- 12 h. 0.20 the number of full-time equivalent students attending school in a  
13 bordering state in accordance with section 15.1-29-01;
- 14 i. 0.20 the number of full-time equivalent students enrolled in a new immigrant  
15 English language learner program;
- 16 j. 0.17 the number of full-time equivalent students enrolled in an early childhood  
17 special education program;
- 18 ~~j.~~ k. 0.14 0.10 the number of full-time equivalent students, other than those  
19 provided for in subdivision i, who are enrolled in a new immigrant an English  
20 language learner program;
- 21 ~~k.~~ l. 0.067 0.07 the number of students enrolled in average daily membership, in  
22 order to support the provision of special education services; and
- 23 ~~l.~~ m. 0.02 0.05 the number of full-time equivalent students, other than those  
24 provided for in subdivision j, who are enrolled in an English language learner  
25 program students representing that percentage of the total number of  
26 students in average daily membership, which is equivalent to the three-year  
27 average percentage of students in grades three through eight who are eligible  
28 for free or reduced lunches under the Richard B. Russell National School  
29 Lunch Act [42 U.S.C. 1751 et seq.]; and

1           n. 0.004 the number of students enrolled in average daily membership in a  
2           school district that is a participating member of a regional education  
3           association meeting the requirements of chapter 15.1-09.1.

4           2. The superintendent of public instruction shall determine each school district's  
5           weighted average daily membership by adding the products derived under  
6           subsection 1 to the district's average daily membership.

7           **SECTION 24. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **15.1-27-04. Per student payment rate.**

10          1. a. The per student payment rate to which each school district is entitled for the  
11           first year of the biennium is three thousand ~~two~~ four hundred ~~fifty~~ twenty  
12           dollars.

13          b. The per student payment rate to which each school district is entitled for the  
14           second year of the biennium is three thousand ~~three~~ seven hundred  
15           ~~twenty-five~~ seventy-nine dollars.

16          2. In order to determine the state aid payment to which each district is entitled, the  
17           superintendent of public instruction shall multiply each district's weighted student  
18           units by the per student payment rate set forth in subsection 1.

19          **SECTION 25. AMENDMENT.** Section 15.1-27-07.2 of the North Dakota Century Code  
20          is amended and reenacted as follows:

21          **15.1-27-07.2. Baseline funding - Determination - Minimum and maximum**  
22          **allowable increases.**

23          1. The superintendent of public instruction shall determine each school district's  
24           baseline funding per weighted student unit by:

25           a. Adding together all state aid received by the district during the 2006-07 school  
26           year;

27           b. Subtracting the amount received by the district during the 2006-07 school  
28           year for transportation aid, special education excess cost reimbursements,  
29           special education contracts, prior year funding adjustments, and per student  
30           payments for participation in educational associations governed by joint  
31           powers agreements; and

- 1 c. Dividing the amount determined under subdivision b by the district's 2007-08  
2 weighted student units.
- 3 2. a. The superintendent of public instruction shall ensure that the total amount of  
4 state aid payable to a district per weighted student unit, for the ~~2007-08~~  
5 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight  
6 percent of the baseline funding per weighted student unit, as established in  
7 subsection 1.
- 8 b. The superintendent of public instruction shall ensure that the total amount of  
9 state aid payable to a district per weighted student unit, for each school year  
10 after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~  
11 twelve and one-half percent of the baseline funding per weighted student unit,  
12 as established in subsection 1.
- 13 3. a. The superintendent of public instruction shall ensure that the total amount of  
14 state aid payable to a district per weighted student unit, less any amount  
15 received as equity payments under section 15.1-27-11 per weighted student  
16 unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred  
17 ~~seven~~ twenty percent of the baseline funding per weighted student unit, as  
18 established in subsection 1.
- 19 b. ~~Beginning with the 2008-09 school year, the maximum percentage of~~  
20 ~~allowable growth in the baseline funding per weighted student unit provided in~~  
21 ~~subdivision a must be annually increased by three percentage points, plus the~~  
22 ~~district's share of any increased state aid for that year. Payments received by~~  
23 ~~districts for the provision of full-day kindergarten do not constitute increases in~~  
24 ~~state aid for purposes of this subdivision. The superintendent of public~~  
25 instruction shall ensure that the total amount of state aid payable to a district  
26 per weighted student unit, less any amount received as equity payments  
27 under section 15.1-27-11 per weighted student unit, does not exceed, for  
28 each school year after the 2009-10 school year, one hundred thirty-four  
29 percent of the baseline funding per weighted student unit, as established in  
30 subsection 1.

1           **SECTION 26. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **15.1-27-11. Equity payments.**

4           1. The superintendent of public instruction shall:

5               a. Divide the imputed taxable valuation of the state by the total average daily  
6 membership of all school districts in the state in order to determine the state  
7 average imputed taxable valuation per student.

8               b. Divide the imputed taxable valuation of each school district by the district's  
9 total average daily membership in order to determine each district's average  
10 imputed taxable valuation per student.

11           2. ~~a. If a school district's imputed taxable valuation per student is less than~~  
12 ~~eighty eight and one half percent of the statewide imputed taxable valuation~~  
13 ~~per student, the superintendent of public instruction shall calculate the~~  
14 ~~valuation deficiency by:~~

15               ~~(1) Determining the difference between eighty eight and one half percent~~  
16 ~~of the state average imputed taxable valuation per student and the~~  
17 ~~district's average imputed taxable valuation per student; and~~

18               ~~(2) Multiplying that difference by the district's total average daily~~  
19 ~~membership.~~

20           ~~b. Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per  
21 student is less than ninety percent of the statewide imputed taxable valuation  
22 per student, the superintendent of public instruction shall calculate the  
23 valuation deficiency by:

24               ~~(1)~~ a. Determining the difference between ninety percent of the state average  
25 imputed taxable valuation per student and the district's average  
26 imputed taxable valuation per student; and

27               ~~(2)~~ b. Multiplying that difference by the district's total average daily  
28 membership.

29           3. Except as provided in subsection 4, the equity payment to which a district is  
30 entitled under this section equals the district's valuation deficiency multiplied by the  
31 lesser of:

- 1           a.    The district's general fund ~~mill~~ levy for the taxable year 2008; or
- 2           b.    One hundred eighty-five mills.
- 3         4.    a.    The equity payment to which a district is entitled may not exceed the district's
- 4           taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year
- 5           2008.
- 6           b.    If a district's general fund levy for the taxable year 2008 is less than one
- 7           hundred eighty-five mills, the superintendent of public instruction shall
- 8           subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one
- 9           hundred eighty-five mills, multiply the result by the district's taxable valuation,
- 10          and subtract that result from the equity payment to which the district is
- 11          otherwise entitled.
- 12          c.    If a district's imputed taxable valuation per student is less than fifty percent of
- 13          the statewide imputed taxable valuation per student, the payment to which the
- 14          district is entitled under this section may not be less than twenty percent of
- 15          the statewide imputed taxable valuation per student times the school district's
- 16          average daily membership, multiplied by one hundred eighty-five mills.
- 17         5.    In determining the amount to which a school district is entitled under this section,
- 18          the superintendent of public instruction may not include any payments received by
- 19          the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236
- 20          et seq.] and may not include in the district's average daily membership students
- 21          who are dependents of members of the armed forces and students who are
- 22          dependents of civilian employees of the department of defense.
- 23         6.    For purposes of this section:
- 24          a.    "General fund levy" includes a district's high school transportation levy and its
- 25          high school tuition levy.
- 26          b.    "Imputed taxable valuation" means the valuation of all taxable real property in
- 27          the district plus ~~an amount determined by dividing sixty percent of the~~
- 28          ~~district's mineral and tuition revenue by the district's general fund mill levy.~~
- 29          ~~Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all~~
- 30          ~~taxable real property in the district plus an:~~

- 1                   (1) An amount determined by dividing seventy percent of the district's  
2                    mineral and tuition revenue, revenue from payments in lieu of property  
3                    taxes on distribution and transmission of electric power, and revenue  
4                    from payments in lieu of taxes from electricity generated from sources  
5                    other than coal by the district's general fund mill levy; and  
6                   (2) An amount determined by dividing the district's revenue from mobile  
7                    home taxes and telecommunications taxes by the district's general fund  
8                    mill levy.
- 9                   c. "Mineral revenue" includes all revenue from county sources reported under  
10                   code 2000 of the North Dakota school district financial accounting and  
11                   reporting manual as developed by the superintendent of public instruction in  
12                   accordance with section 15.1-02-08.
- 13                   d. "Tuition revenue" includes all revenue reported under code 1300 of the North  
14                   Dakota school district financial accounting and reporting manual as  
15                   developed by the superintendent of public instruction in accordance with  
16                   section 15.1-02-08. "Tuition revenue" does not include tuition income  
17                   received specifically for the operation of an educational program provided at a  
18                   residential treatment facility.

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

21                   **Reorganized district - Continuation of equity payment.** If a school district that  
22                   received an equity payment under section 15.1-27-11 becomes part of a reorganized district  
23                   after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two  
24                   years, an amount equal to the greater of:

- 25                   1. The equity payment received by each of the school districts during the school year  
26                    immediately preceding the reorganization; or
- 27                   2. The equity payment to which the newly reorganized school district is entitled under  
28                    section 15.1-27-11.

29                   **SECTION 28.** A new section to chapter 15.1-27 of the North Dakota Century Code is  
30                   created and enacted as follows:

1           **Dissolved district - Continuation of equity payment.** If a school district that received  
2 an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district  
3 that receives a portion of the dissolved district's land is entitled to receive, for a period of two  
4 years, an amount equal to the greatest of:

- 5           1. That percentage of the dissolved school district's equity payment from the school  
6 year immediately preceding the dissolution which is the same as that percentage  
7 of the dissolved district's land which was attached to the receiving district;
- 8           2. The same equity payment to which the receiving school district was entitled in the  
9 school year immediately preceding the dissolution; or
- 10          3. The equity payment to which the receiving school district is entitled under section  
11 15.1-27-11.

12           **SECTION 29. AMENDMENT.** Section 15.1-27-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **15.1-27-19. Summer school courses and programs - Payments to school**  
15 **districts.**

- 16          1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled  
17 in a high school summer course, the superintendent of public instruction shall  
18 verify that the course ~~satisfies requirements for graduation, comprises at least as~~  
19 ~~many clock hours as courses offered during the regular school term, and complies~~  
20 ~~with rules adopted by the superintendent of public instruction~~ meets the  
21 requirements of section 18 of this Act.
- 22          2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled  
23 in an elementary summer program, the superintendent of public instruction shall  
24 verify that the program meets the requirements of section 18 of this Act and  
25 complies with rules adopted by the superintendent of public instruction.

26           **SECTION 30. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **15.1-27-35. Average daily membership - Calculation.**

- 29          1. a. Average During the 2009-10 school year, average daily membership is  
30 calculated at the conclusion of the school year by adding the total number of  
31 days that each student in a given grade, school, or school district is in

- 1 attendance during a school calendar and the total number of days that each  
2 student in a given grade, school, or school district is absent during a school  
3 calendar, and then dividing the sum by the greater of:
- 4 a. (1) The school district's calendar; or  
5 b. (2) One hundred eighty.
- 6 b. Beginning with the 2010-11 school year, average daily membership is  
7 calculated at the conclusion of the school year by adding the total number of  
8 days that each student in a given grade, school, or school district is in  
9 attendance during a school calendar and the total number of days that each  
10 student in a given grade, school, or school district is absent during a school  
11 calendar, and then dividing the sum by the greater of:
- 12 (1) The school district's calendar; or  
13 (2) One hundred eighty-two.
- 14 2. For purposes of calculating average daily membership, all students are deemed to  
15 be in attendance on:
- 16 a. The three holidays listed in subdivisions b through j of subsection 1 of section  
17 15.1-06-02 and selected by the school board in consultation with district  
18 teachers;
- 19 b. The ~~two~~ three days set aside for professional development activities under  
20 section 15.1-06-04; and
- 21 c. The two full days, or portions thereof, during which parent-teacher  
22 conferences are held or which are deemed by the board of the district to be  
23 compensatory time for parent-teacher conferences held outside regular  
24 school hours.
- 25 3. For purposes of calculating average daily membership:
- 26 a. A student enrolled full time in any grade from one through twelve may not  
27 exceed an average daily membership of 1.00. The membership may be  
28 prorated for a student who is enrolled less than full time.
- 29 b. ~~During the 2007-08 school year, a student enrolled full time in an approved~~  
30 ~~regular education kindergarten program may not exceed an average daily~~  
31 ~~membership of 0.50. Beginning with the 2008-09 school year, a A student~~



1 enrolled full time in an approved regular education kindergarten program may  
2 not exceed an average daily membership of 1.00. The membership may be  
3 prorated for a student who is enrolled less than full time.

4 c. A student enrolled full time, as defined by the superintendent of public  
5 instruction, in an approved early childhood special education program may  
6 not exceed an average daily membership of 1.00. The membership may be  
7 prorated for a student who is enrolled less than full time.

8 **SECTION 31. AMENDMENT.** Section 15.1-27-41 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15.1-27-41. North Dakota commission on education improvement - Membership -**  
11 **Duties - Report to legislative council - Reimbursement for expenses.**

12 1. The North Dakota commission on education improvement consists of:

- 13 a. (1) The governor or an individual designated by the governor, who shall  
14 serve as the chairman;
- 15 (2) One individual, appointed by the ~~governor~~ chairman of the legislative  
16 council, who is employed as the superintendent of a high school district  
17 having more than one thousand students in average daily membership,  
18 and who has not served on the commission for more than one interim;
- 19 (3) One individual, appointed by the ~~governor~~ chairman of the legislative  
20 council, who is employed as the superintendent of a high school district  
21 having more than two hundred twenty but fewer than one thousand  
22 students in average daily membership, and who has not served on the  
23 commission for more than one interim;
- 24 (4) One individual, appointed by the ~~governor~~ chairman of the legislative  
25 council, who is employed as the superintendent of a high school district  
26 having fewer than two hundred twenty students in average daily  
27 membership, and who has not served on the commission for more than  
28 one interim;
- 29 (5) ~~One individual, appointed by the governor, who is employed as a~~  
30 ~~school district business manager;~~

- 1                   ~~(6)~~    The chairman of the senate education committee or the chairman's  
2    designee;
- 3                   ~~(7)~~ (6)    The chairman of the house education committee or the chairman's  
4    designee;
- 5                   ~~(8)~~ (7)    The senate minority leader or the leader's designee;
- 6                   ~~(9)~~ (8)    One legislator appointed by the chairman of the legislative council; ~~and~~  
7                   ~~(10)~~ (9)   The superintendent of public instruction or an assistant superintendent  
8    designated by the superintendent of public instruction; and
- 9                   (10)   The director of the department of career and technical education or the  
10   director's designee; and
- 11                   b.   The following nonvoting members:
- 12                   (1)    One ~~nonvoting member~~ individual representing the North Dakota  
13    council of educational leaders; ~~one nonvoting member;~~
- 14                   (2)    One individual representing the North Dakota education association;  
15    ~~and one nonvoting member;~~
- 16                   (3)    One individual representing the North Dakota school boards  
17    association;
- 18                   (4)    One individual who is the owner or manager of a business located in  
19    this state, appointed by the chairman of the legislative council from a  
20    list of three names forwarded by the North Dakota chamber of  
21    commerce; and
- 22                   (5)    The commissioner of higher education or the commissioner's designee.
- 23                   2.   The commission shall establish its own duties and rules of operation and  
24    procedure, including rules relating to appointments, terms of office, vacancies,  
25    quorums, and meetings, provided that the duties and the rules do not conflict with  
26    any provisions of this section.
- 27                   3.   a.   The members of the commission are entitled to reimbursement for actual and  
28    necessary expenses incurred in the same manner as state officials.
- 29                   b.   In addition, members of the legislative assembly who serve on the  
30    commission and the individual who is the owner or manager of a business  
31    located in this state are entitled to receive compensation in the amount of one

1                    hundred thirty-five dollars per day if they are attending meetings or performing  
2                    duties directed by the commission. The superintendent of public instruction  
3                    shall use up to forty thousand dollars from moneys appropriated in the grants  
4                    - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the  
5                    appropriation bill for the superintendent of public instruction, as approved by  
6                    the ~~sixtieth~~ legislative assembly, to provide the compensation and  
7                    reimbursements.

- 8                    4. The commission shall ~~examine~~:
- 9                    a. Examine the current system of delivering and financing public elementary and  
10                    secondary education and shall develop recommendations addressing  
11                    educational adequacy, the equitable distribution of state education funds, the  
12                    allocation of funding responsibility between federal, state, and local sources,  
13                    and any other matters that could result in the improvement of elementary and  
14                    secondary education in the state;
- 15                    b. Examine the state's high school graduation requirements, curricular  
16                    standards, and assessments to ensure that students have the academic skills  
17                    necessary to move seamlessly and without remediation from high schools to  
18                    institutions of higher education or to meet the performance levels expected by  
19                    employers;
- 20                    c. Examine the measures enacted by the most recent legislative assembly to  
21                    improve student performance, confirm their full implementation, and  
22                    recommend future measures for continued improvement; and
- 23                    d. Examine the measures enacted by the most recent legislative assembly to  
24                    improve the quality of instruction, confirm their full implementation, and  
25                    recommend future measures for continued improvement.
- 26                    5. The commission shall provide periodic reports to the governor and to the  
27                    legislative council.

28                    **SECTION 32. AMENDMENT.** Section 15.1-32-18 of the North Dakota Century Code is  
29                    amended and reenacted as follows:

30                    **15.1-32-18. Cost - Liability of school district for special education.**

- 1           1. Each year the superintendent of public instruction shall identify the approximately  
2           one percent of special education students statewide who are not eligible for cost  
3           reimbursement under section 15.1-29-14 and who require the greatest school  
4           district expenditures in order to provide them with special education and related  
5           services. This percentage represents the number of students that would qualify for  
6           excess cost reimbursement beyond the multiplier that is established in  
7           subsection 3.
- 8           2. The excess costs of providing special education and related services to these  
9           students are the responsibility of the state and the superintendent of public  
10          instruction shall reimburse the school districts for any excess costs incurred in the  
11          provision of special education and related services to the identified students.
- 12          3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average  
13          cost of education per student and which are incurred by the special education  
14          students identified in subsection 1.
- 15          4. All costs of providing special education and related services to those students  
16          identified in subsection 1, other than excess costs reimbursed by the state, are the  
17          responsibility of the student's school district of residence.
- 18          5. In addition to any other reimbursements provided under this section, if a school  
19          district expends more than two percent of its annual budget for the provision of  
20          special education and related services to one student, the district shall notify the  
21          superintendent of public instruction. Upon verification, the superintendent shall  
22          reimburse the district for the difference between:
  - 23           a. Two percent of the district's annual budget; and
  - 24           b. The lesser of:
    - 25               (1) The amount actually expended by the district for the provision of
    - 26               special education and related services to that student; or
    - 27               (2) The amount representing four ~~and one-half~~ times the state average
    - 28               cost of education per student.

29           **SECTION 33.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
30          created and enacted as follows:

31           **North Dakota early childhood education council - Membership - Terms.**

- 1           1. The North Dakota early childhood education council consists of:
- 2           a. A chairman appointed by the governor;
- 3           b. The superintendent of public instruction, or the superintendent's designee;
- 4           c. The state health officer, or the officer's designee;
- 5           d. The director of the department of human services, or the director's designee;
- 6           e. The North Dakota head start - state collaboration administrator, or the
- 7           administrator's designee;
- 8           f. The commissioner of higher education, or the commissioner's designee;
- 9           g. The chairman of the senate education committee, or the chairman's designee;
- 10          h. The chairman of the house of representatives education committee, or the
- 11          chairman's designee; and
- 12          i. The following gubernatorial appointees:
- 13           (1) The superintendent of a school district having at least one thousand
- 14           students in average daily membership;
- 15           (2) The superintendent of a school district having fewer than one thousand
- 16           students in average daily membership;
- 17           (3) The superintendent of a school district headquartered on a reservation
- 18           or including reservation land within its boundaries;
- 19           (4) The principal of a school district;
- 20           (5) An individual employed as an elementary school teacher;
- 21           (6) An individual representing a non-religious-based provider of preschool
- 22           education;
- 23           (7) An individual representing a religious-based provider of preschool
- 24           education;
- 25           (8) An individual representing a center-based licensed child care provider;
- 26           (9) An individual representing a home-based licensed child care provider;
- 27           (10) An individual representing a reservation-based head start program; and
- 28           (11) An elected member of a school board;
- 29           (12) The parent of a child not yet enrolled in elementary school; and
- 30           (13) The parent of a child with special needs not yet enrolled in elementary
- 31           school.

- 1           2.    a.    The term of each member enumerated in subdivision g of subsection 1 is  
2                   three years and begins on July first. The terms must be staggered by lot so  
3                   that four of the terms expire each year.
- 4            b.    If at any time during a member's term the member ceases to possess the  
5                   qualifications required by this section, the member's seat is deemed vacant  
6                   and the governor shall appoint another qualified individual to serve for the  
7                   remainder of the term.
- 8            c.    A member may not serve more than two consecutive terms. If an individual is  
9                   appointed to complete a vacancy, that service is not counted as a term, for  
10                  purposes of this section, unless the duration of that service exceeds one year.
- 11          3.    The council shall meet at least twice each year, at the call of the chairman.

12          **SECTION 34.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
13 created and enacted as follows:

14          **Council - Duties.** The council shall:

- 15           1.    Review the delivery of early childhood education in this state;  
16           2.    Conduct a needs assessment;  
17           3.    Review early childhood education standards and propose revisions to the  
18                  standards as needed;  
19           4.    Review opportunities for public and private sector collaboration in the delivery of  
20                  early childhood education in this state;  
21           5.    Develop a comprehensive plan governing the delivery of early childhood education  
22                  in this state; and  
23           6.    Provide a biennial report regarding its activities to the governor and the legislative  
24                  council.

25          **SECTION 35.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
26 created and enacted as follows:

27          **Council members - Reimbursement for expenses.** Each member of the council is  
28 entitled to receive reimbursement for expenses as provided by law for state officers if the  
29 member is attending meetings or performing duties directed by the council. In addition, each  
30 member of the legislative assembly who serves on the council is entitled to receive

1 compensation in the amount provided per day for members of the legislative council under  
2 section 54-35-10 for attending meetings or performing duties as directed by the council.

3 **SECTION 36. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT**

4 **PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury,  
5 not otherwise appropriated, the sum of \$2,300,000, or so much of the sum as may be  
6 necessary, to the education standards and practices board for the purpose of funding a teacher  
7 support system grant program, for the biennium beginning July 1, 2009, and ending June 30,  
8 2011.

9 1. The board shall:

- 10 a. Employ an individual to serve as a teacher support system coordinator;
- 11 b. Administer and evaluate the program; and
- 12 c. (1) Select and train experienced teachers who will serve as mentors for  
13 first-year teachers and assist the first-year teachers with instructional  
14 skills development; or
- 15 (2) If a district is not in need of mentors for first-year teachers, the board  
16 shall select and train experienced teachers who will work with school  
17 district administrators to identify the needs of non-first-year teachers  
18 and through research-validated interventions and the use of proven  
19 instructional methods help non-first-year teachers address their  
20 particular needs.

21 2. The board may use any moneys provided under this section for staff  
22 compensation, training, evaluation, stipends for mentors and experienced teachers  
23 who assist first-year and non-first-year teachers participating in the program, and  
24 any other administrative expenses resulting from the program; provided, however,  
25 that the board may not expend more than five percent of the funds appropriated in  
26 this section for administrative expenses.

27 **SECTION 37. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND.**

28 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
29 appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the  
30 education standards and practices board for the purpose of creating the national board  
31 certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1           **SECTION 38. APPROPRIATION - TRANSPORTATION PAYMENTS.** There is  
2 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
3 appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the  
4 superintendent of public instruction for the purpose of providing transportation payments to  
5 school districts, for the biennium beginning July 1, 2009, and ending June 30, 2011.

6           **SECTION 39. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES -**  
7 **REPORTS TO LEGISLATIVE COUNCIL.**

- 8           1. During the 2009-11 biennium, the board of each school district shall use an  
9 amount equal to at least seventy percent of all new money received by the district  
10 for per student payments to increase the compensation paid to teachers and to  
11 provide compensation to teachers who begin employment with the district on or  
12 after July 1, 2009.
- 13           2. a. For purposes of this section, the superintendent of public instruction shall  
14 calculate the amount of new money received by a district during the 2009-11  
15 biennium by:
- 16                   (1) Determining the total amount of state dollars received by each district  
17 during the 2007-09 biennium as per student payments, provided that  
18 neither equity payments under section 15.1-27-11, transportation  
19 payments, mill levy reduction payments, regional education association  
20 participation payments, nor contingency distributions are to be included  
21 in the total;
- 22                   (2) Determining the total amount of state dollars received by each district  
23 during the 2009-11 biennium as per student payments, provided that  
24 neither equity payments under section 15.1-27-11, transportation  
25 payments, nor contingency distributions are to be included in the total;  
26 and
- 27                   (3) Subtracting the amount arrived at under paragraph 1 from the amount  
28 arrived at under paragraph 2.
- 29           b. Money made available to the state as a result of federal action to stimulate  
30 the national economy or to address state fiscal recovery does not constitute



- 1 new money, unless it is used on a dollar-for-dollar basis to supplant state  
2 funds that would otherwise constitute new money within this section.
- 3 3. School districts providing educational services under a cooperative agreement  
4 approved by the superintendent of public instruction must be treated as a single  
5 district for purposes of this section.
- 6 4. a. This section does not apply to a school district if the board of the school  
7 district, after a public hearing at which public testimony and documentary  
8 evidence are accepted, determines in its discretion and by an affirmative vote  
9 of two-thirds of the members of the board that complying with subsection 1  
10 would place the school district in the position of having insufficient fiscal  
11 resources to meet the school district's other obligations.
- 12 b. Within ten days of the vote required by subdivision a, the school board shall  
13 notify the superintendent of public instruction of its action and shall file a  
14 report detailing the grounds for its determination and action.
- 15 c. The superintendent of public instruction shall report all notices received under  
16 this subsection to the legislative council.

17 **SECTION 40. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 18 1. During each year of the 2009-11 biennium, the superintendent of public instruction  
19 shall calculate the payment to which each school district is entitled based on the  
20 state transportation formula as it existed on June 30, 2001, except that the  
21 superintendent shall provide reimbursement at the rate of:
- 22 a. Eighty-six cents per mile for schoolbuses having a capacity of ten or more  
23 passengers;
- 24 b. Forty-two cents per mile for vehicles having a capacity of nine or fewer  
25 passengers; and
- 26 c. Twenty-two cents per student for each one-way trip, provided that a "student"  
27 includes a participant in an early childhood education program that is eligible  
28 for funding under section 15.1-27-03.1.
- 29 2. The superintendent of public instruction shall use the latest available student  
30 enrollment count in each school district in applying the provisions of the  
31 transportation formula as it existed on June 30, 2001.

- 1           3.    If any moneys provided for transportation payments in the grants - transportation  
2                    line item in the appropriation bill for the superintendent of public instruction, as  
3                    approved by the sixty-first legislative assembly, remain after application of the  
4                    formula provided for in this section, the superintendent of public instruction shall  
5                    prorate the remaining amounts according to the percentage of the total  
6                    transportation formula amount to which each school district is entitled.
- 7           4.    This section does not authorize the reimbursement of any costs incurred in  
8                    providing transportation for student attendance at extracurricular activities or  
9                    events.

10           **SECTION 41. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS.** The  
11 superintendent of public instruction may expend up to \$100,000 from the grants - state school  
12 aid line item in the appropriation bill for the superintendent of public instruction, as approved by  
13 the sixty-first legislative assembly, for the purpose of providing planning grants to school  
14 districts participating in reorganizations under chapter 15.1-12, for the biennium beginning  
15 July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed  
16 \$25,000 and may not be awarded unless the student enrollment of the participating districts  
17 exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to  
18 reorganize, the superintendent of public instruction shall withhold the grant amount that each  
19 district received under this section from any state aid payable to the district.

20           **SECTION 42. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During each  
21 year of the 2009-11 biennium, the superintendent of public instruction shall expend up to  
22 \$200,000 from the grants - state school aid line item in the appropriation bill for the  
23 superintendent of public instruction, as approved by the sixty-first legislative assembly, for the  
24 purpose of providing grants in the amount of \$25,000, to each group of school districts which  
25 has been designated as a regional education association under section 15.1-09.1-02. Before  
26 September first of each year, the superintendent of public instruction shall divide each grant by  
27 the number of school districts in the respective association and forward that portion of each  
28 school district's individual grant directly to the association in which the district participates.

29           **SECTION 43. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.**

- 30           1.    If the amount of federal impact aid received by a school district during the 2006-07  
31                    school year resulted in that district losing state aid under section 15.1-27-35.3

- 1 during the 2007-09 biennium, the superintendent shall reestablish that district's  
2 baseline by:
- 3 a. Adding together the amount of state aid that the district would have received  
4 during the 2006-07 school year if in determining the district's ending fund  
5 balance the average amount of federal impact aid received by the district  
6 during the 2005-06 and 2006-07 school years had been used, rather than the  
7 actual amount received during the 2006-07 school year;
- 8 b. Subtracting the amount received by the district during the 2006-07 school  
9 year for transportation aid, special education excess reimbursements, special  
10 education contracts, prior year funding adjustments, and per student  
11 payments for participation in regional education associations; and
- 12 c. Dividing the amount determined under subdivision b by the district's 2007-08  
13 weighted student units.
- 14 2. On or before August 1, 2009, the superintendent of public instruction shall use up  
15 to \$300,000 from moneys appropriated in the grants - state school aid line item in  
16 the appropriation bill for the superintendent of public instruction, as approved by  
17 the legislative assembly, to provide to a school district a grant equaling the  
18 difference in the 2007-09 biennium state aid payments that resulted from the  
19 baseline recalculation required by this section.

20 **SECTION 44. DEFERRED MAINTENANCE AND PHYSICAL PLANT**

21 **IMPROVEMENT GRANTS.**

- 22 1. There is appropriated out of any moneys in the general fund in the state treasury,  
23 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as  
24 may be necessary, to the superintendent of public instruction for the purpose of  
25 awarding grants to eligible school districts for deferred maintenance and physical  
26 plant improvements, for the biennium beginning July 1, 2009, and ending June 30,  
27 2011.
- 28 2. If the office of management and budget determines by July 31, 2010, that the  
29 June 30, 2011, ending balance of the state general fund will be more than  
30 \$30,000,000 in excess of the amount predicted by the office of management and

- 1 budget at the conclusion of the 2009 legislative session, the superintendent of  
2 public instruction shall forward to each eligible school district:
- 3 a. Twenty thousand dollars; plus  
4 b. The school district's pro rata share of the remaining appropriation, calculated  
5 by using the latest available average daily membership of each school district.
- 6 3. If the general fund balance requirements of subsection 2 are not met and if the  
7 office of management and budget determines by April 30, 2011, that the June 30,  
8 2011, ending balance of the state general fund will be more than \$30,000,000 in  
9 excess of the amount predicted by the office of management and budget at the  
10 conclusion of the 2009 legislative session, the superintendent of public instruction  
11 shall forward to each eligible school district:
- 12 a. Twenty thousand dollars; plus  
13 b. The school district's pro rata share of the remaining appropriation, calculated  
14 by using the latest available average daily membership of each school district.
- 15 4. By June 30, 2012, each school district that receives a deferred maintenance and  
16 physical plant improvement grant from the superintendent of public instruction  
17 shall:
- 18 a. Submit to the superintendent documentation detailing how the grant funds  
19 were expended; and  
20 b. Return any unexpended grant funds to the superintendent for deposit in the  
21 general fund.
- 22 5. The superintendent of public instruction may provide a deferred maintenance and  
23 physical plant improvement grant only to a school district that:
- 24 a. Has a general fund levy equal to at least one hundred fifty mills for the taxable  
25 year 2008;  
26 b. Is not precluded from receiving state aid by the provisions of section  
27 15.1-27-35.3; and  
28 c. Provides a monetary match equal to the grant amount.

29 **SECTION 45. AMENDMENT.** Section 55 of chapter 163 of the 2007 Session Laws is  
30 amended and reenacted as follows:

31 **SECTION 55. CONTINGENT MONEY - 2007-09.**

- 1           1. In determining the availability of contingent money under this section, the  
2           superintendent of public instruction shall first add to the money in the grants - state  
3           school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative  
4           assembly, any money that was appropriated to the superintendent for special  
5           education contracts in Senate Bill No. 2013 and which remains after the  
6           superintendent complied with all statutory special education contract payment  
7           obligations imposed for the biennium beginning July 1, 2007, and ending June 30,  
8           2009.
- 9           2. If any money that was appropriated to the superintendent of public instruction for  
10          state aid payments to school districts or added to the grants - state school aid line  
11          item in accordance with subsection 1 remains after the superintendent complies  
12          with all statutory payment obligations imposed for the biennium beginning July 1,  
13          2007, and ending June 30, 2009, the superintendent shall:
- 14          ~~1-~~ a. Use the first \$1,000,000, or so much of that amount as may be necessary, to  
15          pay any state obligations in excess of the amount appropriated for special  
16          education contract charges;
- 17          ~~2-~~ b. Use the next \$2,000,000, or so much of that amount as may be necessary,  
18          for the purpose of providing additional per student payments to school  
19          districts participating in regional education associations under chapter  
20          15.1-09.1;
- 21          ~~3-~~ c. Use the next \$550,000, or so much of that amount as may be necessary, for  
22          the purpose of providing additional payments to school districts serving  
23          English language learners and new immigrant English language learners, in  
24          accordance with chapter 15.1-38;
- 25          ~~4-~~ d. Use the next \$200,000, or so much of that amount as may be necessary, for  
26          the purpose of providing additional payments to school districts offering an  
27          adult education program during the 2007-09 biennium; and
- 28          ~~5-~~ e. Use the remainder of the moneys to provide additional per student payments  
29          on a prorated basis according to the latest available average daily  
30          membership of each school district.

31           **SECTION 46. CONTINGENT MONEY - 2009-11.**

- 1           1. In determining the availability of contingent money under this section, the  
2           superintendent of public instruction shall first add to the money in the grants - state  
3           school aid line item in the appropriation bill for the superintendent of public  
4           instruction, as approved by the sixty-first legislative assembly, any money that was  
5           appropriated to the superintendent for special education contracts and which  
6           remains after the superintendent complied with all statutory special education  
7           contract payment obligations imposed for the biennium beginning July 1, 2009,  
8           and ending June 30, 2011.
- 9           2. If any money that was appropriated to the superintendent of public instruction for  
10          grants - state aid payments to school districts or added to the grants - state school  
11          aid line item in accordance with subsection 1 remains after the superintendent  
12          complies with all statutory payment obligations imposed for the biennium beginning  
13          July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to  
14          provide additional per student payments on a prorated basis according to the latest  
15          available average daily membership of each school district.

16           **SECTION 47. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR**  
17 **SPECIAL EDUCATION.** If during the biennium beginning July 1, 2009, and ending June 30,  
18 2011, the superintendent of public instruction determines that, using all available sources, there  
19 are insufficient funds with which to fully reimburse school districts for the excess costs of  
20 serving the one percent of special education students statewide who require the greatest  
21 school district expenditures in order to be provided with special education and related services,  
22 the industrial commission shall transfer from the earnings and accumulated and undivided  
23 profits of the Bank of North Dakota the amount the superintendent of public instruction certifies  
24 is necessary to provide the statutorily required level of reimbursement. The superintendent of  
25 public instruction shall file for introduction legislation requesting that the sixty-second legislative  
26 assembly return any amount transferred under this section to the Bank of North Dakota.

27           **SECTION 48. REPEAL.** Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the  
28 North Dakota Century Code are repealed.

29           **SECTION 49. REPEAL.** Section 15.1-27-41 of the North Dakota Century Code is  
30 repealed.

31           **SECTION 50. EFFECTIVE DATE.**

Sixty-first  
Legislative Assembly

- 1           1.   Sections 13 and 14 of this Act become effective on July 1, 2010.
- 2           2.   Section 49 of this Act becomes effective on December 31, 2010.
- 3           **SECTION 51. EMERGENCY.** Section 45 of this Act is declared to be an emergency
- 4 measure.