

**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, five 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, 15.1-27-35.3, 15.1-27-41, and 15.1-32-18 of the North
11 Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to
12 school calendars, course requirements, state aid payments, and special education; to provide
13 an appropriation; to provide a continuing appropriation; to provide for teacher compensation
14 increases; to provide for the distribution of teacher support system grants, transportation
15 grants, reorganization planning grants, regional education association grants, baseline
16 recalculation 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; to provide an expiration
21 date; and to declare an 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. Beginning with the 2010-11 school year, each school district must have available
3 one full-time equivalent counselor for every three hundred students in grades
4 seven through twelve.
- 5 2. Up to one-third of the full-time equivalency requirement established in subsection 1
6 may be met by career advisors.
- 7 3. For purposes of this section, a "career advisor" means an individual who holds a
8 certificate in career development facilitation issued by the department of career
9 and technical education under section 1 of this Act or an individual who is
10 provisionally approved by the department of career and technical education under
11 section 2 of this Act to serve as a career advisor.

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

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

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

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

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

3 **15.1-09.1-10. State aid - Payable to a regional education association - Obligation**
4 **of district.**

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

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

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

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

- 1 3. As a condition of the grant, the education standards and practices board may
2 require recipients who achieve national board certification to mentor other
3 individuals who are licensed to teach by the board.

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

6 **15.1-18.2-01. Professional development plan - Adoption - Review by school**
7 **district.**

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

16 **15.1-18.2-02. Professional development plan - Review by superintendent of**
17 **public instruction.** The superintendent of public instruction shall review each school district's
18 professional development plan to ensure that the plan meets the requirements of section
19 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is
20 implemented in an efficient and effective manner.

21 **15.1-18.2-03. Professional development advisory committee - Duties - Staff**
22 **support.**

- 23 1. The superintendent of public instruction shall appoint a professional development
24 advisory committee to:
25 a. Examine the delivery of professional development in this state;
26 b. Review professional development needs from the perspective of teachers,
27 school administrators, school board members, and parents;
28 c. Review the professional development plans filed by school districts and
29 propose changes to improve the opportunities for professional development;
30 and

1 d. Advise the superintendent regarding regulatory and statutory measures that
2 could be pursued to improve the quality and availability of professional
3 development opportunities.

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

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

8 **15.1-21-02. High schools - Required units.**

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

11 a. Four units of English language arts;

12 b. Four units of mathematics;

13 c. Four units of science;

14 d. Four units of social studies, including one of world history and one of United
15 States history;

16 e. One-half unit of health;

17 f. One-half unit of physical education during each school year, provided that
18 once every four years the unit must be a concept-based fitness class that
19 includes instruction in the assessment, improvement, and maintenance of
20 personal fitness;

21 g. Two units of fine arts, at least one of which must be music;

22 h. Two units of the same foreign or native American language; and

23 i. Two units of career and technical education.

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

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

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

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

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

28 **15.1-21-02.1. High school graduation - Diploma requirements.** ~~Before~~ Except as
29 provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center
30 for distance education issues a high school diploma to a student, the student must have
31 successfully completed ~~at least twenty-one~~ the following twenty-two units of high school

1 ~~coursework from the minimum required curriculum offerings established by section 15.1-21-02.~~
2 ~~Beginning with the 2009-10 school year, the number of units required by this section increases~~
3 ~~to twenty-two and beginning with the 2011-12 school year, the number of units required by this~~
4 ~~section increases to twenty-four:~~

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

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

1 **15.1-21-02.3. Optional high school curriculum - Requirements.** If after completing
2 at least two years of high school a student has failed to pass at least one-half unit from three
3 subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth
4 percentile of other students in the district who are enrolled in the same grade, the student may
5 request that the student's career advisor, guidance counselor, or principal meet with the student
6 and the student's parent to determine if the student should be permitted to pursue an optional
7 high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a
8 student's parent consents in writing to the student pursuing the optional high school curriculum,
9 the student is eligible to receive a high school diploma upon completing the following
10 requirements:

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

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

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

- 1 1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement
2 set forth in subsection 2 of section 15.1-21-02.1;
- 3 b. Completes two units of a coordinated plan of study recommended by the
4 department of career and technical education and approved by the
5 superintendent of public instruction; and
- 6 c. Completes three additional units, two of which must be in the area of career
7 and technical education;
- 8 2. Obtains a grade of at least "C" in each unit or one-half unit required for the
9 diploma;
- 10 3. Obtains a cumulative grade point of at least "B"; and
- 11 4. Receives:
 - 12 a. A composite score of at least twenty-four on an ACT;
 - 13 b. A score of at least one thousand one hundred on the critical reading and
14 mathematics portions of the SAT; or
 - 15 c. A score of at least five on each of three WorkKeys assessments
16 recommended by the department of career and technical education and
17 approved by the superintendent of public instruction.

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

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

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

- 1 (3) One unit of a foreign or native American language, fine arts, or career
2 and technical education;
- 3 2. Obtains a grade of at least "C" in each unit or one-half unit required for the
4 diploma;
- 5 3. Obtains a cumulative grade point of at least "B";
- 6 4. Receives a composite score of at least twenty-four on an ACT or a score of at
7 least one thousand one hundred on the critical reading and mathematics portions
8 of the SAT; and
- 9 5. Completes one unit of an advanced placement course and examination or a
10 dual-credit course.

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

13 **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

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

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

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

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

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

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

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

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

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

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

- 2 1. Except as otherwise provided, each student in grade eleven shall take the ACT,
3 the SAT, or three WorkKeys assessments recommended by the department of
4 career and technical education and approved by the superintendent of public
5 instruction. The student shall determine which summative assessment to take.
6 The student's school district is responsible for the cost of one summative
7 assessment and its administration per student.
8 2. The student's career advisor or guidance counselor shall meet with the student to
9 review the student's assessment results.
10 3. A school district superintendent may exempt a student from the requirements of
11 this section if taking the test is not required by the student's individualized
12 education program plan or if the superintendent determines that other special
13 circumstances exist.

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

16 **Summative assessment - General educational development diploma - Selection -**
17 **Cost.**

- 18 1. Except as otherwise provided, each student pursuing a general educational
19 development diploma may take the ACT, the SAT, or three WorkKeys
20 assessments recommended by the department of career and technical education
21 and approved by the superintendent of public instruction. The student shall
22 determine which summative assessment to take. The student's school district is
23 responsible for the cost of one summative assessment and its administration per
24 student.
25 2. The student's career advisor or guidance counselor shall meet with the student to
26 review the student's assessment results.

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

29 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 30 1. For each school district, the superintendent of public instruction shall multiply by:

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- 1 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
2 program;
- 3 b. 1.00 the number of full-time equivalent students enrolled in an extended
4 educational program in accordance with section 15.1-32-17;
- 5 c. 0.60 the number of full-time equivalent students enrolled in a summer
6 education program;
- 7 d. 0.50 the number of full-time equivalent students enrolled in a home-based
8 education program and monitored by the school district under chapter
9 15.1-23;
- 10 e. 0.25 the number of full-time equivalent students enrolled in an alternative high
11 school;
- 12 f. 0.25 the number of full-time equivalent students enrolled in an isolated
13 elementary school;
- 14 g. 0.25 the number of full-time equivalent students enrolled in an isolated high
15 school;
- 16 h. 0.20 the number of full-time equivalent students attending school in a
17 bordering state in accordance with section 15.1-29-01;
- 18 i. 0.20 the number of full-time equivalent students enrolled in a new immigrant
19 English language learner program;
- 20 j. 0.17 the number of full-time equivalent students enrolled in an early childhood
21 special education program;
- 22 ~~j.~~ k. 0.14 0.10 the number of full-time equivalent students, other than those
23 provided for in subdivision i, who are enrolled in a new immigrant an English
24 language learner program;
- 25 ~~k.~~ l. 0.067 0.07 the number of students enrolled in average daily membership, in
26 order to support the provision of special education services; and
- 27 ~~l.~~ 0.02 the number of full-time equivalent students, other than those provided for
28 in subdivision j, who are enrolled in an English language learner program
- 29 m. 0.004 the number of students enrolled in average daily membership in a
30 school district that is a participating member of a regional education
31 association meeting the requirements of chapter 15.1-09.1.

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

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

6 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 7 1. For each school district, the superintendent of public instruction shall multiply by:
8 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
9 program;
10 b. 1.00 the number of full-time equivalent students enrolled in an extended
11 educational program in accordance with section 15.1-32-17;
12 c. 0.60 the number of full-time equivalent students enrolled in a summer
13 education program;
14 d. 0.50 the number of full-time equivalent students enrolled in a home-based
15 education program and monitored by the school district under chapter
16 15.1-23;
17 e. 0.25 the number of full-time equivalent students enrolled in an alternative high
18 school;
19 f. 0.25 the number of full-time equivalent students enrolled in an isolated
20 elementary school;
21 g. 0.25 the number of full-time equivalent students enrolled in an isolated high
22 school;
23 h. 0.20 the number of full-time equivalent students attending school in a
24 bordering state in accordance with section 15.1-29-01;
25 i. 0.20 the number of full-time equivalent students enrolled in a new immigrant
26 English language learner program;
27 j. 0.17 the number of full-time equivalent students enrolled in an early childhood
28 special education program;
29 j- k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those
30 provided for in subdivision i, who are enrolled in a new immigrant an English
31 language learner program;

- 1 k. ~~l.~~ 0.067 0.07 the number of students enrolled in average daily membership, in
- 2 order to support the provision of special education services; ~~and~~
- 3 ~~l.~~ m. ~~0.02 0.05~~ the number of ~~full-time equivalent students, other than those~~
- 4 ~~provided for in subdivision j, who are enrolled in an English language learner~~
- 5 ~~program~~ students representing that percentage of the total number of
- 6 students in average daily membership, which is equivalent to the three-year
- 7 average percentage of students in grades three through eight who are eligible
- 8 for free or reduced lunches under the Richard B. Russell National School
- 9 Lunch Act [42 U.S.C. 1751 et seq.]; and
- 10 n. 0.004 the number of students enrolled in average daily membership in a
- 11 school district that is a participating member of a regional education
- 12 association meeting the requirements of chapter 15.1-09.1.
- 13 2. The superintendent of public instruction shall determine each school district's
- 14 weighted average daily membership by adding the products derived under
- 15 subsection 1 to the district's average daily membership.

SECTION 25. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

- 19 1. a. The per student payment rate to which each school district is entitled for the
- 20 first year of the biennium is three thousand ~~two~~ four hundred ~~forty~~ twenty
- 21 dollars.
- 22 b. The per student payment rate to which each school district is entitled for the
- 23 second year of the biennium is three thousand ~~three~~ seven hundred
- 24 ~~twenty five~~ seventy-nine dollars.
- 25 2. In order to determine the state aid payment to which each district is entitled, the
- 26 superintendent of public instruction shall multiply each district's weighted student
- 27 units by the per student payment rate set forth in subsection 1.

SECTION 26. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

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

- 1 1. The superintendent of public instruction shall determine each school district's
2 baseline funding per weighted student unit by:
- 3 a. Adding together all state aid received by the district during the 2006-07 school
4 year;
- 5 b. Subtracting the amount received by the district during the 2006-07 school
6 year for transportation aid, special education excess cost reimbursements,
7 special education contracts, prior year funding adjustments, and per student
8 payments for participation in educational associations governed by joint
9 powers agreements; and
- 10 c. Dividing the amount determined under subdivision b by the district's 2007-08
11 weighted student units.
- 12 2. a. The superintendent of public instruction shall ensure that the total amount of
13 state aid payable to a district per weighted student unit, for the ~~2007-08~~
14 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight
15 percent of the baseline funding per weighted student unit, as established in
16 subsection 1.
- 17 b. The superintendent of public instruction shall ensure that the total amount of
18 state aid payable to a district per weighted student unit, for each school year
19 after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~
20 twelve and one-half percent of the baseline funding per weighted student unit,
21 as established in subsection 1.
- 22 3. a. The superintendent of public instruction shall ensure that the total amount of
23 state aid payable to a district per weighted student unit, less any amount
24 received as equity payments under section 15.1-27-11 per weighted student
25 unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred
26 ~~seven~~ twenty percent of the baseline funding per weighted student unit, as
27 established in subsection 1.
- 28 b. ~~Beginning with the 2008-09 school year, the maximum percentage of~~
29 ~~allowable growth in the baseline funding per weighted student unit provided in~~
30 ~~subdivision a must be annually increased by three percentage points, plus the~~
31 ~~district's share of any increased state aid for that year. Payments received by~~

1 ~~districts for the provision of full-day kindergarten do not constitute increases in~~
2 ~~state aid for purposes of this subdivision. The superintendent of public~~
3 ~~instruction shall ensure that the total amount of state aid payable to a district~~
4 ~~per weighted student unit, less any amount received as equity payments~~
5 ~~under section 15.1-27-11 per weighted student unit, does not exceed, for~~
6 ~~each school year after the 2009-10 school year, one hundred thirty-four~~
7 ~~percent of the baseline funding per weighted student unit, as established in~~
8 ~~subsection 1.~~

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

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

- 12 1. The superintendent of public instruction shall:
- 13 a. Divide the imputed taxable valuation of the state by the total average daily
14 membership of all school districts in the state in order to determine the state
15 average imputed taxable valuation per student.
- 16 b. Divide the imputed taxable valuation of each school district by the district's
17 total average daily membership in order to determine each district's average
18 imputed taxable valuation per student.
- 19 2. ~~a. If a school district's imputed taxable valuation per student is less than~~
20 ~~eighty-eight and one-half percent of the statewide imputed taxable valuation~~
21 ~~per student, the superintendent of public instruction shall calculate the~~
22 ~~valuation deficiency by:~~
- 23 ~~(1) Determining the difference between eighty-eight and one-half percent~~
24 ~~of the state average imputed taxable valuation per student and the~~
25 ~~district's average imputed taxable valuation per student; and~~
26 ~~(2) Multiplying that difference by the district's total average daily~~
27 ~~membership.~~
- 28 ~~b. Beginning July 1, 2008, if l a school district's imputed taxable valuation per~~
29 ~~student is less than ninety percent of the statewide imputed taxable valuation~~
30 ~~per student, the superintendent of public instruction shall calculate the~~
31 ~~valuation deficiency by:~~

- 1 (1) a. Determining the difference between ninety percent of the state average
2 imputed taxable valuation per student and the district's average
3 imputed taxable valuation per student; and
- 4 (2) b. Multiplying that difference by the district's total average daily
5 membership.
- 6 3. Except as provided in subsection 4, the equity payment to which a district is
7 entitled under this section equals the district's valuation deficiency multiplied by the
8 lesser of:
- 9 a. The district's general fund mill levy for the taxable year 2008; or
10 b. One hundred eighty-five mills.
- 11 4. a. The equity payment to which a district is entitled may not exceed the district's
12 taxable valuation multiplied by its general fund mill levy for the taxable year
13 2008.
- 14 b. If a district's general fund levy for the taxable year 2008 is less than one
15 hundred eighty-five mills, the superintendent of public instruction shall
16 subtract the district's general fund mill levy for the taxable year 2008 from one
17 hundred eighty-five mills, multiply the result by the district's taxable valuation,
18 and subtract that result from the equity payment to which the district is
19 otherwise entitled.
- 20 c. If a district's imputed taxable valuation per student is less than fifty percent of
21 the statewide imputed taxable valuation per student, the payment to which the
22 district is entitled under this section may not be less than twenty percent of
23 the statewide imputed taxable valuation per student times the school district's
24 average daily membership, multiplied by one hundred eighty-five mills.
- 25 5. In determining the amount to which a school district is entitled under this section,
26 the superintendent of public instruction may not include any payments received by
27 the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236
28 et seq.] and may not include in the district's average daily membership students
29 who are dependents of members of the armed forces and students who are
30 dependents of civilian employees of the department of defense.
- 31 6. For purposes of this section:

- 1 a. "General fund levy" includes a district's high school transportation levy and its
2 high school tuition levy.
- 3 b. "Imputed taxable valuation" means the valuation of all taxable real property in
4 the district plus ~~an amount determined by dividing sixty percent of the~~
5 ~~district's mineral and tuition revenue by the district's general fund mill levy.~~
6 ~~Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all~~
7 ~~taxable real property in the district plus an:~~
- 8 (1) An amount determined by dividing seventy percent of the district's
9 mineral and tuition revenue, revenue from payments in lieu of property
10 taxes on distribution and transmission of electric power, and revenue
11 from payments in lieu of taxes from electricity generated from sources
12 other than coal by the district's general fund mill levy; and
- 13 (2) An amount determined by dividing the district's revenue from mobile
14 home taxes and telecommunications taxes by the district's general fund
15 mill levy.
- 16 c. "Mineral revenue" includes all revenue from county sources reported under
17 code 2000 of the North Dakota school district financial accounting and
18 reporting manual as developed by the superintendent of public instruction in
19 accordance with section 15.1-02-08.
- 20 d. "Tuition revenue" includes all revenue reported under code 1300 of the North
21 Dakota school district financial accounting and reporting manual as
22 developed by the superintendent of public instruction in accordance with
23 section 15.1-02-08. "Tuition revenue" does not include tuition income
24 received specifically for the operation of an educational program provided at a
25 residential treatment facility.

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

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

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

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

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

- 11 1. That percentage of the dissolved school district's equity payment from the school
12 year immediately preceding the dissolution which is the same as that percentage
13 of the dissolved district's land which was attached to the receiving district;
- 14 2. The same equity payment to which the receiving school district was entitled in the
15 school year immediately preceding the dissolution; or
- 16 3. The equity payment to which the receiving school district is entitled under section
17 15.1-27-11.

18 **SECTION 30. AMENDMENT.** Section 15.1-27-19 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-27-19. Summer school courses and programs - Payments to school**
21 **districts.**

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

1 **SECTION 31. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-27-35. Average daily membership - Calculation.**

4 1. a. Average During the 2009-10 school year, average daily membership is
5 calculated at the conclusion of the school year by adding the total number of
6 days that each student in a given grade, school, or school district is in
7 attendance during a school calendar and the total number of days that each
8 student in a given grade, school, or school district is absent during a school
9 calendar, and then dividing the sum by the greater of:

10 a- (1) The school district's calendar; or

11 b- (2) One hundred eighty.

12 b. Beginning with the 2010-11 school year, average daily membership is
13 calculated at the conclusion of the school year by adding the total number of
14 days that each student in a given grade, school, or school district is in
15 attendance during a school calendar and the total number of days that each
16 student in a given grade, school, or school district is absent during a school
17 calendar, and then dividing the sum by the greater of:

18 (1) The school district's calendar; or

19 (2) One hundred eighty-two.

20 2. For purposes of calculating average daily membership, all students are deemed to
21 be in attendance on:

22 a. The three holidays listed in subdivisions b through j of subsection 1 of section
23 15.1-06-02 and selected by the school board in consultation with district
24 teachers;

25 b. The ~~two~~ three days set aside for professional development activities under
26 section 15.1-06-04; and

27 c. The two full days, or portions thereof, during which parent-teacher
28 conferences are held or which are deemed by the board of the district to be
29 compensatory time for parent-teacher conferences held outside regular
30 school hours.

31 3. For purposes of calculating average daily membership:

- 1 a. A student enrolled full time in any grade from one through twelve may not
2 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 b. ~~During the 2007-08 school year, a student enrolled full time in an approved~~
5 ~~regular education kindergarten program may not exceed an average daily~~
6 ~~membership of 0.50. Beginning with the 2008-09 school year, a~~ A student
7 enrolled full time in an approved regular education kindergarten program may
8 not exceed an average daily membership of 1.00. The membership may be
9 prorated for a student who is enrolled less than full time.
- 10 c. A student enrolled full time, as defined by the superintendent of public
11 instruction, in an approved early childhood special education program may
12 not exceed an average daily membership of 1.00. The membership may be
13 prorated for a student who is enrolled less than full time.

14 **SECTION 32. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code
15 is amended and reenacted as follows:

16 **15.1-27-35.3. Payments to school districts - Unobligated general fund balance -**
17 **Report to legislative council.**

- 18 1. The superintendent of public instruction shall determine the amount of payments
19 due a school district and shall subtract from that the amount by which the
20 unobligated general fund balance of the district on the preceding June thirtieth is in
21 excess of fifty percent of its actual expenditures, plus twenty thousand dollars.
22 Beginning July 1, 2008, the superintendent of public instruction shall determine the
23 amount of payments due a school district and shall subtract from that the amount
24 by which the unobligated general fund balance of the district on the preceding
25 June thirtieth is in excess of forty-five percent of its actual expenditures, plus
26 twenty thousand dollars.
- 27 2. In making the determination required by subsection 1, the superintendent of public
28 instruction may not include in a district's unobligated general fund balance any
29 moneys that:

- 1 a. Were received by the district during the school year ending June 30, 2009, on
2 account of the leasing of lands acquired by the United States for flood control,
3 navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and
4 b. Exceeded the amount received by the district during the school year ending
5 June 30, 2008, for the purpose stated in subdivision a.
6 3. Any district having more than fifty thousand dollars excluded in the determination
7 of its ending fund balance, as required by subsection 2, shall provide a report to
8 the legislative council. The report, which must be presented at the time and in the
9 manner directed by the legislative council, must address how the money was
10 expended, including the number of mills by which the district was able to decrease
11 its property taxes.

12 **SECTION 33. AMENDMENT.** Section 15.1-27-41 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-27-41. North Dakota commission on education improvement - Membership -**
15 **Duties - Report to legislative council - Reimbursement for expenses.**

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

1 membership, and who has not served on the commission for more than
2 one interim;

3 (5) ~~One individual, appointed by the governor, who is employed as a~~
4 ~~school district business manager;~~

5 (6) The chairman of the senate education committee or the chairman's
6 designee;

7 (7) (6) The chairman of the house education committee or the chairman's
8 designee;

9 (8) (7) The senate minority leader or the leader's designee;

10 (9) (8) One legislator appointed by the chairman of the legislative council; ~~and~~

11 (10) (9) The superintendent of public instruction or an assistant superintendent
12 designated by the superintendent of public instruction; and

13 (10) The director of the department of career and technical education or the
14 director's designee; and

15 b. The following nonvoting members:

16 (1) ~~One nonvoting member~~ individual representing the North Dakota
17 council of educational leaders, ~~one nonvoting member;~~

18 (2) One individual representing the North Dakota education association,
19 ~~and one nonvoting member;~~

20 (3) One individual representing the North Dakota school boards
21 association;

22 (4) One individual representing nonpublic schools, appointed by the
23 chairman of the legislative council;

24 (5) One individual who is the owner or manager of a business located in
25 this state, appointed by the chairman of the legislative council from a
26 list of three names forwarded by the North Dakota chamber of
27 commerce; and

28 (6) The commissioner of higher education or the commissioner's designee.

29 2. The commission shall establish its own duties and rules of operation and
30 procedure, including rules relating to appointments, terms of office, vacancies,

- 1 quorums, and meetings, provided that the duties and the rules do not conflict with
2 any provisions of this section.
- 3 3. a. The members of the commission are entitled to reimbursement for actual and
4 necessary expenses incurred in the same manner as state officials.
- 5 b. In addition, members of the legislative assembly who serve on the
6 commission and the individual who is the owner or manager of a business
7 located in this state are entitled to receive compensation in the amount of one
8 hundred thirty-five dollars per day if they are attending meetings or performing
9 duties directed by the commission. The superintendent of public instruction
10 shall use up to forty thousand dollars from moneys appropriated in the grants
11 - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the
12 appropriation bill for the superintendent of public instruction, as approved by
13 the ~~sixtieth~~ legislative assembly, to provide the compensation and
14 reimbursements.
- 15 4. The commission shall ~~examine~~:
- 16 a. Examine the current system of delivering and financing public elementary and
17 secondary education and shall develop recommendations addressing
18 educational adequacy, the equitable distribution of state education funds, the
19 allocation of funding responsibility between federal, state, and local sources,
20 and any other matters that could result in the improvement of elementary and
21 secondary education in the state;
- 22 b. Examine the state's high school graduation requirements, curricular
23 standards, and assessments to ensure that students have the academic skills
24 necessary to move seamlessly and without remediation from high schools to
25 institutions of higher education or to meet the performance levels expected by
26 employers;
- 27 c. Examine the measures enacted by the most recent legislative assembly to
28 improve student performance, confirm their full implementation, and
29 recommend future measures for continued improvement; and

1 d. Examine the measures enacted by the most recent legislative assembly to
2 improve the quality of instruction, confirm their full implementation, and
3 recommend future measures for continued improvement.

4 5. The commission shall provide periodic reports to the governor and to the
5 legislative council.

6 **SECTION 34. AMENDMENT.** Section 15.1-32-18 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-32-18. Cost - Liability of school district for special education.**

9 1. Each year the superintendent of public instruction shall identify the approximately
10 one percent of special education students statewide who are not eligible for cost
11 reimbursement under section 15.1-29-14 and who require the greatest school
12 district expenditures in order to provide them with special education and related
13 services. This percentage represents the number of students that would qualify for
14 excess cost reimbursement beyond the multiplier that is established in
15 subsection 3.

16 2. The excess costs of providing special education and related services to these
17 students are the responsibility of the state and the superintendent of public
18 instruction shall reimburse the school districts for any excess costs incurred in the
19 provision of special education and related services to the identified students.

20 3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average
21 cost of education per student and which are incurred by the special education
22 students identified in subsection 1.

23 4. All costs of providing special education and related services to those students
24 identified in subsection 1, other than excess costs reimbursed by the state, are the
25 responsibility of the student's school district of residence.

26 5. In addition to any other reimbursements provided under this section, if a school
27 district expends more than two percent of its annual budget for the provision of
28 special education and related services to one student, the district shall notify the
29 superintendent of public instruction. Upon verification, the superintendent shall
30 reimburse the district for the difference between:

31 a. Two percent of the district's annual budget; and

- 1 b. The lesser of:
- 2 (1) The amount actually expended by the district for the provision of
- 3 special education and related services to that student; or
- 4 (2) The amount representing four ~~and one-half~~ times the state average
- 5 cost of education per student.

6 **SECTION 35.** A new section to chapter 15.1-37 of the North Dakota Century Code is

7 created and enacted as follows:

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

- 9 1. The North Dakota early childhood education council consists of:
- 10 a. A chairman appointed by the governor;
- 11 b. The superintendent of public instruction, or the superintendent's designee;
- 12 c. The state health officer, or the officer's designee;
- 13 d. The director of the department of human services, or the director's designee;
- 14 e. The North Dakota head start - state collaboration administrator, or the
- 15 administrator's designee;
- 16 f. The commissioner of higher education, or the commissioner's designee;
- 17 g. The chairman of the senate education committee, or the chairman's designee;
- 18 h. The chairman of the house of representatives education committee, or the
- 19 chairman's designee; and
- 20 i. The following gubernatorial appointees:
- 21 (1) The superintendent of a school district having at least one thousand
- 22 students in average daily membership;
- 23 (2) The superintendent of a school district having fewer than one thousand
- 24 students in average daily membership;
- 25 (3) The superintendent of a school district headquartered on a reservation
- 26 or including reservation land within its boundaries;
- 27 (4) The principal of a school district;
- 28 (5) An individual employed as an elementary school teacher;
- 29 (6) An individual representing a non-religious-based provider of preschool
- 30 education;

- 1 (7) An individual representing a religious-based provider of preschool
2 education;
- 3 (8) An individual representing a center-based licensed child care provider;
4 (9) An individual representing a home-based licensed child care provider;
5 (10) An individual representing a reservation-based head start program; and
6 (11) An elected member of a school board;
7 (12) The parent of a child not yet enrolled in elementary school; and
8 (13) The parent of a child with special needs not yet enrolled in elementary
9 school.
- 10 2. a. The term of each member enumerated in subdivision g of subsection 1 is
11 three years and begins on July first. The terms must be staggered by lot so
12 that four of the terms expire each year.
- 13 b. If at any time during a member's term the member ceases to possess the
14 qualifications required by this section, the member's seat is deemed vacant
15 and the governor shall appoint another qualified individual to serve for the
16 remainder of the term.
- 17 c. A member may not serve more than two consecutive terms. If an individual is
18 appointed to complete a vacancy, that service is not counted as a term, for
19 purposes of this section, unless the duration of that service exceeds one year.
- 20 3. The council shall meet at least twice each year, at the call of the chairman.

21 **SECTION 36.** A new section to chapter 15.1-37 of the North Dakota Century Code is
22 created and enacted as follows:

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

- 24 1. Review the delivery of early childhood education in this state;
25 2. Conduct a needs assessment;
26 3. Review early childhood education standards and propose revisions to the
27 standards as needed;
28 4. Review opportunities for public and private sector collaboration in the delivery of
29 early childhood education in this state;
30 5. Develop a comprehensive plan governing the delivery of early childhood education
31 in this state; and

1 6. Provide a biennial report regarding its activities to the governor and the legislative
2 council.

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

5 **Council members - Reimbursement for expenses.** Each member of the council is
6 entitled to receive reimbursement for expenses as provided by law for state officers if the
7 member is attending meetings or performing duties directed by the council. In addition, each
8 member of the legislative assembly who serves on the council is entitled to receive
9 compensation in the amount provided per day for members of the legislative council under
10 section 54-35-10 for attending meetings or performing duties as directed by the council.

11 **SECTION 38. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT**

12 **PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury,
13 not otherwise appropriated, the sum of \$2,300,000, or so much of the sum as may be
14 necessary, to the education standards and practices board for the purpose of funding a teacher
15 support system grant program, for the biennium beginning July 1, 2009, and ending June 30,
16 2011.

17 1. The board shall:

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

29 2. The board may use any moneys provided under this section for staff
30 compensation, training, evaluation, stipends for mentors and experienced teachers
31 who assist first-year and non-first-year teachers participating in the program, and

1 any other administrative expenses resulting from the program; provided, however,
2 that the board may not expend more than five percent of the funds appropriated in
3 this section for administrative expenses.

4 **SECTION 39. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND.**

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

9 **SECTION 40. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES -**
10 **REPORTS TO LEGISLATIVE COUNCIL.**

11 1. During the 2009-11 biennium, the board of each school district shall use an
12 amount equal to at least seventy percent of all new money received by the district
13 for per student payments to increase the compensation paid to teachers and to
14 provide compensation to teachers who begin employment with the district on or
15 after July 1, 2009.

16 2. a. For purposes of this section, the superintendent of public instruction shall
17 calculate the amount of new money received by a district during the 2009-11
18 biennium by:

19 (1) Determining the total amount of state dollars received by each district
20 during the 2007-09 biennium as per student payments, provided that
21 neither equity payments under section 15.1-27-11, transportation
22 payments, mill levy reduction payments, regional education association
23 participation payments, nor contingency distributions are to be included
24 in the total;

25 (2) Determining the total amount of state dollars received by each district
26 during the 2009-11 biennium as per student payments, provided that
27 neither equity payments under section 15.1-27-11, transportation
28 payments, nor contingency distributions are to be included in the total;
29 and

30 (3) Subtracting the amount arrived at under paragraph 1 from the amount
31 arrived at under paragraph 2.

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

20 **SECTION 41. TRANSPORTATION GRANTS - DISTRIBUTION.**

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

- 1 2. The superintendent of public instruction shall use the latest available student
2 enrollment count in each school district in applying the provisions of the
3 transportation formula as it existed on June 30, 2001.
- 4 3. If any moneys provided for transportation payments in the grants - transportation
5 line item in the appropriation bill for the superintendent of public instruction, as
6 approved by the sixty-first legislative assembly, remain after application of the
7 formula provided for in this section, the superintendent of public instruction shall
8 prorate the remaining amounts according to the percentage of the total
9 transportation formula amount to which each school district is entitled.
- 10 4. This section does not authorize the reimbursement of any costs incurred in
11 providing transportation for student attendance at extracurricular activities or
12 events.

13 **SECTION 42. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS.** The
14 superintendent of public instruction may expend up to \$100,000 from the grants - state school
15 aid line item in the appropriation bill for the superintendent of public instruction, as approved by
16 the sixty-first legislative assembly, for the purpose of providing planning grants to school
17 districts participating in reorganizations under chapter 15.1-12, for the biennium beginning
18 July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed
19 \$25,000 and may not be awarded unless the student enrollment of the participating districts
20 exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to
21 reorganize, the superintendent of public instruction shall withhold the grant amount that each
22 district received under this section from any state aid payable to the district.

23 **SECTION 43. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During each
24 year of the 2009-11 biennium, the superintendent of public instruction shall expend up to
25 \$200,000 from the grants - state school aid line item in the appropriation bill for the
26 superintendent of public instruction, as approved by the sixty-first legislative assembly, for the
27 purpose of providing grants in the amount of \$25,000, to each group of school districts which
28 has been designated as a regional education association under section 15.1-09.1-02. Before
29 September first of each year, the superintendent of public instruction shall divide each grant by
30 the number of school districts in the respective association and forward that portion of each
31 school district's individual grant directly to the association in which the district participates.

1 **SECTION 44. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.**

- 2 1. If the amount of federal impact aid received by a school district during the 2006-07
3 school year resulted in that district losing state aid under section 15.1-27-35.3
4 during the 2007-09 biennium, the superintendent shall reestablish that district's
5 baseline by:
- 6 a. Adding together the amount of state aid that the district would have received
7 during the 2006-07 school year if in determining the district's ending fund
8 balance the average amount of federal impact aid received by the district
9 during the 2005-06 and 2006-07 school years had been used, rather than the
10 actual amount received during the 2006-07 school year;
- 11 b. Subtracting the amount received by the district during the 2006-07 school
12 year for transportation aid, special education excess reimbursements, special
13 education contracts, prior year funding adjustments, and per student
14 payments for participation in regional education associations; and
- 15 c. Dividing the amount determined under subdivision b by the district's 2007-08
16 weighted student units.
- 17 2. On or before August 1, 2009, the superintendent of public instruction shall use up
18 to \$300,000 from moneys appropriated in the grants - state school aid line item in
19 the appropriation bill for the superintendent of public instruction, as approved by
20 the legislative assembly, to provide to a school district a grant equaling the
21 difference in the 2007-09 biennium state aid payments that resulted from the
22 baseline recalculation required by this section.

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

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

- 26 1. In determining the availability of contingent money under this section, the
27 superintendent of public instruction shall first add to the money in the grants - state
28 school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative
29 assembly, any money that was appropriated to the superintendent for special
30 education contracts in Senate Bill No. 2013 and which remains after the
31 superintendent complied with all statutory special education contract payment

1 obligations imposed for the biennium beginning July 1, 2007, and ending June 30,
2 2009.

3 2. If any money that was appropriated to the superintendent of public instruction for
4 state aid payments to school districts or added to the grants - state school aid line
5 item in accordance with subsection 1 remains after the superintendent complies
6 with all statutory payment obligations imposed for the biennium beginning July 1,
7 2007, and ending June 30, 2009, the superintendent shall:

8 4- a. Use the first \$1,000,000, or so much of that amount as may be necessary, to
9 pay any state obligations in excess of the amount appropriated for special
10 education contract charges;

11 2- b. Use the next \$2,000,000, or so much of that amount as may be necessary,
12 for the purpose of providing additional per student payments to school
13 districts participating in regional education associations under chapter
14 15.1-09.1;

15 3- c. Use the next \$550,000, or so much of that amount as may be necessary, for
16 the purpose of providing additional payments to school districts serving
17 English language learners and new immigrant English language learners, in
18 accordance with chapter 15.1-38;

19 4- d. Use the next \$200,000, or so much of that amount as may be necessary, for
20 the purpose of providing additional payments to school districts offering an
21 adult education program during the 2007-09 biennium; and

22 5- e. Use the remainder of the moneys to provide additional per student payments
23 on a prorated basis according to the latest available average daily
24 membership of each school district.

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

26 1. In determining the availability of contingent money under this section, the
27 superintendent of public instruction shall first add to the money in the grants - state
28 school aid line item in the appropriation bill for the superintendent of public
29 instruction, as approved by the sixty-first legislative assembly, any money that was
30 appropriated to the superintendent for special education contracts and which
31 remains after the superintendent complied with all statutory special education

1 contract payment obligations imposed for the biennium beginning July 1, 2009,
2 and ending June 30, 2011.

3 2. If any money that was appropriated to the superintendent of public instruction for
4 grants - state aid payments to school districts or added to the grants - state school
5 aid line item in accordance with subsection 1 remains after the superintendent
6 complies with all statutory payment obligations imposed for the biennium beginning
7 July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to
8 provide additional per student payments on a prorated basis according to the latest
9 available average daily membership of each school district.

10 **SECTION 47. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR**
11 **SPECIAL EDUCATION.** If during the biennium beginning July 1, 2009, and ending June 30,
12 2011, the superintendent of public instruction determines that, using all available sources, there
13 are insufficient funds with which to fully reimburse school districts for the excess costs of
14 serving the one percent of special education students statewide who require the greatest
15 school district expenditures in order to be provided with special education and related services,
16 the industrial commission shall transfer from the earnings and accumulated and undivided
17 profits of the Bank of North Dakota the amount the superintendent of public instruction certifies
18 is necessary to provide the statutorily required level of reimbursement. The superintendent of
19 public instruction shall file for introduction legislation requesting that the sixty-second legislative
20 assembly return any amount transferred under this section to the Bank of North Dakota.

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

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

25 **SECTION 50. EFFECTIVE DATE.**

- 26 1. Sections 13 and 14 of this Act become effective on July 1, 2010.
27 2. Section 49 of this Act becomes effective on December 31, 2010.
28 3. Section 24 of this Act becomes effective on July 1, 2011.

29 **SECTION 51. EXPIRATION DATE.** Section 32 of this Act is effective through June 30,
30 2010, and after that date is ineffective.

1 **SECTION 52. EMERGENCY.** Sections 32 and 45 of this Act are declared to be an
2 emergency measure.