

Introduced by

Senators Flakoll, Holmberg, O'Connell

Representatives R. Kelsch, Hawken, Delmore

1 A BILL for an Act to create and enact a new section to chapter 15.1-09.1, four new sections to
2 chapter 15.1-18.2, two new sections to chapter 15.1-21, and seven new sections to chapter
3 15.1-27 of the North Dakota Century Code, relating to regional education associations, the
4 professional development advisory committee, North Dakota scholarships, and supplemental
5 teacher-effectiveness compensation plans; to amend and reenact sections 15.1-07-33,
6 15.1-09-58, 15.1-09.1-02, 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08,
7 15.1-21-18, 15.1-21-19, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, and 15.1-27-35.3
8 of the North Dakota Century Code, relating to technology, regional education associations,
9 curriculum requirements, assessments, scholarships, student consultations, and state aid; to
10 repeal section 15.1-27-15 of the North Dakota Century Code, relating to isolated schools; to
11 provide an appropriation; to provide a continuing appropriation; and to provide for compensation
12 increases, transition payments, and the distribution of transportation grants, principal
13 mentorship grants, and regional education association grants.

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

15 **SECTION 1. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-07-33. Student information system - Statewide coordination - Financial support -**
18 **Exemption.**

19 1. Notwithstanding any other technology requirements imposed by the superintendent of
20 public instruction, the information technology department, or the North Dakota
21 educational technology council, each school district shall acquire PowerSchool
22 through the information technology department and use it as its principal student
23 information system.

- 1 2. The superintendent of public instruction shall forward that portion of a school district's
2 state aid which is payable by the superintendent under subdivision o of subsection 1 of
3 section 15.1-27-03.1 directly to the information technology department to reimburse
4 the department for the cost of the school district's acquisition, implementation, or
5 utilization of PowerSchool and any related technology support services. The
6 superintendent shall forward the amount payable under this subsection at the same
7 time and in the same manner as provided for other state aid payments under section
8 15.1-27-01.
- 9 3. If the portion of a school district's state aid forwarded to the information technology
10 department under subsection 2 exceeds the cost incurred by the information
11 technology department in providing for the school district's acquisition,
12 implementation, or utilization of PowerSchool and any related technology support
13 services, the information technology department shall return the excess moneys to the
14 superintendent of public instruction for redistribution to the school district as per
15 student payments.
- 16 4. The superintendent of public instruction may exempt a school district from having to
17 acquire and utilize PowerSchool if the school district demonstrates that, in accordance
18 with requirements of the bureau of Indian education, the district has acquired and is
19 utilizing a student information system that is determined to be comparable by the
20 superintendent.

21 **SECTION 2. AMENDMENT.** Section 15.1-09-58 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-09-58. ~~Prekindergarten program~~Early childhood education - Authorization -**
24 **Support.**

25 The board of a school district may establish a ~~prekindergarten~~an early childhood education
26 program and may receive and expend any ~~states~~support that program with:

- 27 1. Local tax revenues, other than those necessary to support the district's kindergarten
28 program and the provision of elementary and high school educational services;
- 29 2. State moneys specifically appropriated for the program,~~any federal;~~
- 30 3. Federal funds specifically appropriated or approved for the program,~~and any gifts; and~~
- 31 4. Gifts, grants, and donations specifically given for the program.

1 **SECTION 3. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-09.1-02. Regional education association - Joint powers agreement - Review by**
4 **superintendent of public instruction - Criteria.**

5 ~~Before~~In order for a group of school districts ~~may~~to be designated as a regional education
6 association, the superintendent of public instruction shall review the joint powers agreement
7 that the districts have entered and verify that: the requirements of this section have been met.

8 1. The school districts must:

9 a. Have a combined total land mass of at least five thousand eight hundred square
10 miles [1502193 hectares];

11 b. (1) Have a combined total land mass of at least four thousand five hundred
12 square miles [1165494 hectares]; and

13 (2) Number at least twelve;

14 c. (1) Have a combined total land mass of at least four thousand square miles
15 [1035995 hectares]; and

16 (2) Have at least three thousand students in average daily membership; or

17 d. (1) Have a combined total land mass of at least one thousand five hundred
18 square miles [388498 hectares]; and

19 (2) Have at least seven thousand five hundred students in average daily
20 membership.

21 2. The school districts ~~are~~must be contiguous to each other or, if the districts are not
22 contiguous to each other, the superintendent of public instruction shall verify that the
23 participating districts can provide sound educational opportunities to their students in a
24 fiscally responsible manner without injuring other school districts or regional education
25 associations and without negatively impacting the ability of other school districts or
26 regional education associations to provide sound educational opportunities to their
27 students in a fiscally responsible manner. A decision by the superintendent of public
28 instruction under this subsection may be appealed to the state board of public school
29 education. A decision by the state board is final.

- 1 3. The joint powers agreement requires must require that the participating school districts
2 maintain a joint operating fund and ~~share various administrative functions and student~~
3 ~~services in accordance with subsection 4.~~
- 4 4. a. During the first two school years in which a regional education association is
5 operational, each participating school district shall share in at least two
6 administrative functions and two student services, selected by the district.
- 7 b. During the third and fourth school years in which a regional education association
8 is operational, each participating school district shall share in at least three
9 administrative functions and three student services, selected by the district.
- 10 e. During the fifth school year in which a regional education association is
11 operational, and each year thereafter, each participating school district shall
12 share at least five administrative functions and five student services, selected by
13 the district.
- 14 d. For purposes of this subsection:
- 15 (1) "Administrative functions" means:
- 16 (a) Business management;
- 17 (b) Career and technical education services management;
- 18 (c) Curriculum mapping or development;
- 19 (d) Data analysis;
- 20 (e) Federal program support;
- 21 (f) Federal title program management;
- 22 (g) Grant writing;
- 23 (h) School improvement;
- 24 (i) School safety and environment management;
- 25 (j) Special education services management;
- 26 (k) Staff development;
- 27 (l) Staff retention and recruitment;
- 28 (m) Staff sharing;
- 29 (n) Technology support; and
- 30 (o) Any other functions approved by the superintendent of public
31 instruction.

- 1 (2) "Student services" means:
- 2 (a) Advanced placement classes;
- 3 (b) Alternative high schools or alternative high school programs;
- 4 (c) Career and technical education classes;
- 5 (d) Counseling services;
- 6 (e) Common elementary curricula;
- 7 (f) Distance learning classes;
- 8 (g) Dual credit classes;
- 9 (h) Foreign language classes;
- 10 (i) Library and media services;
- 11 (j) Summer programs;
- 12 (k) Supplemental instruction programs; and
- 13 (l) Any other services approved by the superintendent of public
- 14 instruction.
- 15 e. ~~For purposes of this subsection, if a regional education association became~~
- 16 ~~operational before July 1, 2005, the 2005-06 school year must be considered the~~
- 17 ~~provider's first year of operation.~~
- 18 5. The joint powers agreement ~~provides~~must provide:
- 19 a. Criteria for the future participation of school districts that were not parties to the
- 20 original joint powers agreement;
- 21 b. An application process by which school districts that were not parties to the
- 22 original joint powers agreement can become participating districts; and
- 23 c. A process by which school districts that were not parties to the original joint
- 24 powers agreement and whose application to participate in the agreement was
- 25 denied can appeal the decision to the superintendent of public instruction.
- 26 6.5. The joint powers agreement ~~provides~~must provide for the employment and
- 27 compensation of staff.
- 28 7.6. The joint powers agreement must:
- 29 a. ~~Establishes~~Establish the number of members on the governing board;
- 30 b. ~~Establishes~~Establish the manner in which members of the governing board are
- 31 determined;

1 c. ~~Requires all members~~Require that each member of the governing board ~~or their-~~
2 designees ~~to be individuals~~be an individual currently serving on the board of a
3 participating school district ~~or the individual's designee~~; and

4 d. ~~Allows~~Allow for the inclusion of ex officio nonvoting members on the governing
5 board.

6 8-7. The joint powers agreement ~~provides~~must provide that the board of the regional
7 education association shall meet at least quarterly.

8 9-8. The joint powers agreement ~~does~~may not permit the regional education association to
9 compensate members of the regional education association board for attending
10 meetings of the board and does not permit the regional education association to
11 reimburse members of the board for any expenses incurred in attending meetings of
12 the board.

13 **SECTION 4.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Regional education association - Services to be offered.**

16 1. In order to be eligible for state funding, a regional education association must offer the
17 following services to its member districts:

18 a. Coordination and facilitation of professional development activities for teachers
19 and administrators employed by its member districts;

20 b. Supplementation of technology support services;

21 c. Assistance with achieving school improvement goals identified by the
22 superintendent of public instruction;

23 d. Assistance with the collection, analysis, and interpretation of student
24 achievement data; and

25 e. Assistance with the expansion and enrichment of curricular offerings.

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

28 **SECTION 5.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
29 created and enacted as follows:

1 **Professional development advisory committee - Compensation of members.**

2 Each member of the professional development advisory committee, other than the
3 superintendent of public instruction, is entitled to receive compensation in the amount of one
4 hundred thirty-five dollars per day plus reimbursement for expenses as provided by law for state
5 officers if the member is attending meetings or performing duties directed by the committee.

6 **SECTION 6.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Teacher support program - Establishment.**

9 The education standards and practices board shall:

- 10 1. Establish and administer a teacher support program;
11 2. Employ an individual to serve as a teacher support program coordinator;
12 3. a. Select and train experienced teachers who will serve as mentors for first-year
13 teachers and assist the first-year teachers with instructional skills development;
14 or
15 b. If a school district or other employing entity listed in section 8 of this Act is not in
16 need of mentors for its first-year teachers, select and train experienced teachers
17 who will work with school district administrators and administrators from the other
18 employing entities to identify the needs of the non-first-year teachers and help
19 the non-first-year teachers address their particular needs through the use of:
20 (1) Research-validated interventions; and
21 (2) Proven instructional methods.

22 **SECTION 7.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Teacher support program - Availability of services.**

25 The education standards and practices board may use any moneys it receives for the
26 teacher support program to provide staff compensation, training, evaluation, and stipends for
27 mentors and experienced teachers who assist first-year and non-first-year teachers participating
28 in the program, and to pay for any other administrative expenses resulting from the program;
29 provided, however, that the board may not expend more than five percent of the moneys for
30 administrative purposes.

1 **SECTION 8.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Teacher support program - Authorized service recipients.**

4 The education standards and practices board may provide support services to teachers
5 employed by:

- 6 1. School districts;
- 7 2. Special education units;
- 8 3. Area career and technology centers;
- 9 4. Regional education associations; and
- 10 5. Schools funded by the bureau of Indian education.

11 **SECTION 9. AMENDMENT.** Section 15.1-21-02.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-21-02.1. High school graduation--~~Diploma~~diploma - Minimum requirements.**

14 Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high
15 school, or the center for distance education issues a high school diploma to a student, the
16 student must have successfully completed ~~the following twenty-two units of high school~~
17 ~~coursework:~~

- 18 ~~1. Four units of English language arts from a sequence that includes literature,~~
19 ~~composition, and speech;~~
- 20 ~~2. Three units of mathematics;~~
- 21 ~~3. Three units of science, including:~~
 - 22 ~~a. One unit of physical science;~~
 - 23 ~~b. One unit of biology; and~~
 - 24 ~~e. (1) One unit of any other science; or~~
25 ~~(2) Two one-half units of any other science;~~
- 26 ~~4. Three units of social studies, including:~~
 - 27 ~~a. One unit of United States history;~~
 - 28 ~~b. (1) One-half unit of United States government and one-half unit of economics;~~
29 ~~or~~
30 ~~(2) One unit of problems of democracy; and~~

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- 1 e. ~~One unit or two one-half units of any other social studies, which may include-~~
- 2 ~~civics, civilization, geography and history, multicultural studies, North Dakota-~~
- 3 ~~studies, psychology, sociology, and world history;~~
- 4 5. a. One unit of physical education; or
- 5 b. One-half unit of physical education and one-half unit of health;
- 6 6. Three units of:
- 7 a. Foreign languages;
- 8 b. Native American languages;
- 9 c. Fine arts; or
- 10 d. Career and technical education courses; and
- 11 7. Any five additional units:
- 12 1. The twenty-two units of high school coursework set forth in section 10 of this Act; and
- 13 2. Any additional units of high school coursework required by the issuing entity.

14 **SECTION 10.** A new section to chapter 15.1-21 of the North Dakota Century Code is
15 created and enacted as follows:

16 **High school graduation - Minimum requirements.**

17 Except as provided in section 15.1-21-02.3, the following twenty-two units of high school
18 coursework constitute the minimum requirement for high school graduation:

- 19 1. Four units of English language arts from a sequence that includes literature,
- 20 composition, and speech;
- 21 2. Three units of mathematics;
- 22 3. Three units of science, including:
- 23 a. One unit of physical science;
- 24 b. One unit of biology; and
- 25 c. (1) One unit of any other science; or
- 26 (2) Two one-half units of any other science;
- 27 4. Three units of social studies, including:
- 28 a. One unit of United States history;
- 29 b. (1) One-half unit of United States government and one-half unit of economics;
- 30 or
- 31 (2) One unit of problems of democracy; and

- 1 c. One unit or two one-half units of any other social studies, which may include
- 2 civics, civilization, geography and history, multicultural studies, North Dakota
- 3 studies, psychology, sociology, and world history;
- 4 5. a. One unit of physical education; or
- 5 b. One-half unit of physical education and one-half unit of health;
- 6 6. Three units of:
- 7 a. Foreign languages;
- 8 b. Native American languages;
- 9 c. Fine arts; or
- 10 d. Career and technical education courses; and
- 11 7. Any five additional units.

12 **SECTION 11. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-21-02.4. North Dakota career and technical education scholarship.**

15 Any resident student who graduates from a high school during or after the 2010-11 school
16 year is eligible to receive a North Dakota career and technical education scholarship provided
17 the student ~~completes all requirements set forth in subsections 1 through 5 and subsection 7 of~~
18 ~~section 15.1-21-02.1 for a high school diploma and:~~

- 19 1. Completed four units of English language arts from a sequence that includes literature,
20 composition, and speech;
- 21 2. Completed three units of mathematics, including:
 - 22 a. ~~Completes one~~One unit of algebra II, as defined by the superintendent of public
23 instruction, in fulfillment of the mathematics requirement set forth in subsection 2-
24 of section 15.1-21-02.1; and
 - 25 b. ~~Completes two~~Two units of any other mathematics;
- 26 3. Completed three units of science, including:
 - 27 a. One unit of physical science;
 - 28 b. One unit of biology; and
 - 29 c. (1) One unit of any other science; or
30 (2) Two one-half units of any other science;
- 31 4. Completed three units of social studies, including:

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- 1 a. One unit of United States history;
- 2 b. (1) One-half unit of United States government and one-half unit of economics;
- 3 or
- 4 (2) One unit of problems of democracy; and
- 5 c. One unit or two one-half units of any other social studies, which may include
- 6 civics, civilization, geography and history, multicultural studies, North Dakota
- 7 studies, psychology, sociology, and world history;
- 8 5. a. Completed one unit of physical education; or
- 9 b. One-half unit of physical education and one-half unit of health;
- 10 6. Completed:
- 11 a. One unit selected from:
- 12 (1) Foreign languages;
- 13 (2) Native American languages;
- 14 (3) Fine arts; or
- 15 (4) Career and technical education courses; and
- 16 b. Two units of a coordinated plan of study recommended by the department of
- 17 career and technical education and approved by the superintendent of public
- 18 instruction; and
- 19 ~~e.7.~~ Completed any five additional units, two of which must be in the area
- 20 of career and technical education;
- 21 2. ~~Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
- 22 ~~3-8.~~ a. (1) ~~Obtains~~Obtained a cumulative grade point average of at least "B"3.0 on a
- 23 4.0 grading scale, as determined by the superintendent of public instruction,
- 24 based on all high school units in which the student was enrolled; and
- 25 (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 26 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
- 27 scale, as determined by the superintendent of public instruction, based only
- 28 on the units required by subsections 1 through 7 of this section; and
- 29 (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 30 4.9. ~~Receives~~Received:
- 31 a. A composite score of at least twenty-four on an ACT; or

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

4 **SECTION 12. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-21-02.5. North Dakota academic scholarship.**

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

- 11 1. Completed four units of English language arts from a sequence that includes literature,
12 composition, and speech;
- 13 2. Completed three units of mathematics, including:
- 14 a. ~~Completes one~~One unit of algebra II, as defined by the superintendent of public
15 instruction, ~~in fulfillment of the mathematics requirement set forth in subsection 2-~~
16 ~~of section 15.1-21-02.1; and~~
- 17 b. ~~Completes one~~One additional unit of mathematics for which algebra II, as defined
18 by the superintendent of public instruction, is a prerequisite; ~~and~~
- 19 ~~e.3.~~ Completed three units of science, including:
- 20 a. One unit of physical science;
- 21 b. One unit of biology; and
- 22 c. (1) One unit of any other science; or
- 23 (2) Two one-half units of any other science;
- 24 4. Completed three units of social studies, including:
- 25 a. One unit of United States history;
- 26 b. (1) One-half unit of United States government and one-half unit of economics;
27 or
- 28 (2) One unit of problems of democracy; and
- 29 c. One unit or two one-half units of any other social studies, which may include
30 civics, civilization, geography and history, multicultural studies, North Dakota
31 studies, psychology, sociology, and world history;

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- 1 5. a. Completed one unit of physical education; or
2 b. One-half unit of physical education and one-half unit of health;
3 6. a. Completed:
4 (1) Two units of the same foreign or native American language; or
5 (2) ~~One unit of fine arts or career and technical education~~American sign
6 language; and
7 ~~(3)~~b. One unit of a foreign or nativeselected from:
8 (1) Foreign languages;
9 (2) Native American language, finelanguages;
10 (3) American sign language;
11 (4) Fine arts, or career; or
12 (5) Career and technical education;
13 2. ~~Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
14 ~~3-7.~~ ObtainsCompleted any five additional units, one of which must be in the area of fine
15 arts or career and technical education;
16 8. a. (1) Obtained a cumulative grade point average of at least "B"3.0 on a 4.0
17 grading scale, as determined by the superintendent of public instruction,
18 based on all high school units in which the student was enrolled; and
19 (2) Obtained a grade of at least "C" in each unit or one-half unit; or
20 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
21 scale, as determined by the superintendent of public instruction, based only
22 on the units required by subsections 1 through 7 of this section; and
23 (2) Obtained a grade of at least "C" in each unit or one-half unit;
24 ~~4-9.~~ ReceivesReceived a composite score of at least twenty-four on an ACT; and
25 ~~5-10.~~ CompletesFulfills any one unit requirement set forth in subsections 1 through 7 of this
26 section by means of an advanced placement course and examination or a dual-credit
27 course.

28 **SECTION 13. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

- 2 1. The state board of higher education shall provide to any student certified as being
3 eligible by the superintendent of public instruction either a North Dakota academic
4 scholarship or a North Dakota career and technical education scholarship in the
5 amount of seven hundred fifty dollars for each semester during which the student is
6 enrolled full time at an accredited institution of higher education in this state and
7 maintains a cumulative grade point average of 2.75.
- 8 2. A student is not entitled to receive more than six thousand dollars under this section.
- 9 3. The state board of higher education shall forward the scholarship directly to the
10 institution in which the student is enrolled.
- 11 4. This section does not require a student to be enrolled in consecutive semesters.
12 However, a scholarship under this section is valid only for six academic years after the
13 student's graduation from high school and may not be applied to graduate programs.
- 14 5. A scholarship under this section is available to any eligible student who graduates
15 from a high school in this state or from a high school in a bordering state under
16 chapter 15.1-29.
- 17 6. The state board of higher education shall monitor the academic performance of each
18 scholarship recipient. Upon determining that a recipient has failed to maintain the
19 cumulative grade point average required by this section, the board shall notify the
20 recipient within five days that the recipient is no longer eligible to receive any
21 additional North Dakota scholarships.

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

24 **North Dakota scholarship fund - Biannual transfer - Continuing appropriation.**

- 25 1. Once each semester, the state board of higher education shall certify to the state
26 treasurer the amount necessary to provide the North Dakota academic scholarships
27 and the North Dakota career and technical education scholarships, as set forth in
28 sections 15.1-21-02.4 and 15.1-21-02.5.
- 29 2. Upon receiving the certification, the state treasurer shall transfer the certified amount
30 from the interest and other income of the lands and minerals trust fund to the North
31 Dakota scholarship fund.

- 1 3. All moneys in the North Dakota scholarship fund are appropriated on a continuing
2 basis to the state board of higher education for the exclusive purpose of providing
3 North Dakota academic scholarships and North Dakota career and technical
4 education scholarships.

5 **SECTION 15. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-21-08. Reading, mathematics, and science - Administration of test.**

- 8 1. The superintendent of public instruction shall administer to public school students a
9 test that is aligned to the state content and achievement standards in reading and
10 mathematics. This test must be administered ~~to all public school students in at least~~
11 ~~one grade level selected within each of the following grade spans: grades three-~~
12 ~~through five; grades six through nine; and grades ten through twelve. Beginning no-~~
13 ~~later than the 2005-06 school year and annually thereafter, the superintendent of~~
14 ~~public instruction shall administer the reading and mathematics test~~annually to all
15 public school students in grades three, four, five, six, seven, eight, and eleven.
16 2. ~~Beginning no later than the 2007-08 school year and annually thereafter, the~~The
17 superintendent of public instruction shall administer a test that is aligned to the state
18 content and achievement standards in science. This test must be administered to all
19 public school students in at least one grade level selected from three through five; in at
20 least one grade level selected from six through nine; and in grade eleven. The
21 superintendent of public instruction may not administer the grade eleven test after
22 December first of each school year.

23 **SECTION 16. AMENDMENT.** Section 15.1-21-18 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-21-18. Career interest inventory - Educational and career planning -**
26 **Consultation.**

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

- 1 2. At least once during the seventh or eighth grade, each school district shall arrange for
2 students to participate in either an individual consultative process or a nine-week
3 course, for the purpose of discussing the results of their career interest inventory,
4 selecting high school courses appropriate to their educational pursuits and career
5 interests, and developing individual high school education plans.
- 6 3. At the request of a student, each school district shall provide for a consultative review
7 of the student's individual high school education plan at least once during each high
8 school grade.
- 9 4. Each school district shall verify compliance with the requirements of this section at the
10 time and in the manner required by the superintendent of public instruction.

11 **SECTION 17. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

- 14 1. Except as otherwise provided, each public and nonpublic school student in grade
15 eleven shall take the ACT, including the writing test, or three WorkKeys assessments
16 recommended by the department of career and technical education and approved by
17 the superintendent of public instruction. The student shall determine which summative
18 assessment to take. ~~The student's school district of residence~~superintendent of public
19 instruction is responsible for the cost of procuring and administering one summative
20 assessment ~~and its administration~~ per student.
- 21 2. The student's career advisor or guidance counselor shall meet with the student to
22 review the student's assessment results.
- 23 3. A school district superintendent or a school administrator in the case of a nonpublic
24 school student may exempt a student from the requirements of this section if taking
25 the test is not required by the student's individualized education program plan or if
26 other special circumstances exist.
- 27 4. ~~If the superintendent of public instruction determines that the cost of the summative~~
28 ~~assessment and its administration can be reduced through use of a state procurement~~
29 ~~process, the superintendent shall work with the school districts to procure and arrange~~
30 ~~for the administration of the assessment and shall withhold each district's share of the~~
31 ~~total cost from any state aid otherwise payable to the district.~~At the time and in the

- 1 manner determined by the superintendent of public instruction, each school district
2 superintendent and each school administrator in the case of a nonpublic school shall
3 report the number of eleventh grade students who:
4 a. Took the ACT, including the writing test;
5 b. Took the three WorkKeys assessments; and
6 c. Were exempted from the requirements of this section, together with the reason
7 for each exemption.

8 **SECTION 18. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-27-03.1. ~~(Effective through June 30, 2011) Weighted average daily membership--~~**
11 **Determination.**

- 12 1. ~~For each school district, the superintendent of public instruction shall multiply by:~~
13 a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
14 ~~program;~~
15 b. ~~1.00 the number of full-time equivalent students enrolled in an extended-~~
16 ~~educational program in accordance with section 15.1-32-17;~~
17 c. ~~0.60 the number of full-time equivalent students enrolled in a summer education-~~
18 ~~program;~~
19 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based-~~
20 ~~education program and monitored by the school district under chapter 15.1-23;~~
21 e. ~~0.30 the number of full-time equivalent students who on a test of English-~~
22 ~~language proficiency approved by the superintendent of public instruction are~~
23 ~~determined to be least proficient and are enrolled in a program of instruction for~~
24 ~~English language learners;~~
25 f. ~~0.25 the number of full-time equivalent students enrolled in an alternative high-~~
26 ~~school;~~
27 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
28 ~~elementary school;~~
29 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
30 ~~school;~~

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- 1 i. ~~0.20 the number of full-time equivalent students attending school in a bordering-~~
2 state in accordance with section 15.1-29-01;
- 3 j. ~~0.20 the number of full-time equivalent students who on a test of English-~~
4 language proficiency approved by the superintendent of public instruction are
5 determined to be not proficient and are enrolled in a program of instruction for
6 English language learners;
- 7 k. ~~0.17 the number of full-time equivalent students enrolled in an early childhood-~~
8 special education program;
- 9 l. ~~0.07 the number of students enrolled in average daily membership, in order to~~
10 support the provision of special education services;
- 11 m. ~~0.07 the number of full-time equivalent students who on a test of English-~~
12 language proficiency approved by the superintendent of public instruction are
13 determined to be somewhat proficient and are enrolled in a program of instruction
14 for English language learners;
- 15 n. ~~0.004 the number of students enrolled in average daily membership in a school-~~
16 district that is a participating member of a regional education association meeting
17 the requirements of chapter 15.1-09.1; and
- 18 o. ~~0.002 the number of students enrolled in average daily membership, in order to~~
19 support technology.
- 20 2. ~~The superintendent of public instruction shall determine each school district's weighted~~
21 average daily membership by adding the products derived under subsection 1 to the
22 district's average daily membership.
- 23 **(Effective after June 30, 2011) Weighted average daily membership - Determination.**
- 24 1. For each school district, the superintendent of public instruction shall multiply by:
- 25 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
26 program;
- 27 b. 1.00 the number of full-time equivalent students enrolled in an extended
28 educational program in accordance with section 15.1-32-17;
- 29 c. 0.60 the number of full-time equivalent students enrolled in a summer education
30 program;

- 1 d. 0.50 the number of full-time equivalent students enrolled in a home-based
2 education program and monitored by the school district under chapter 15.1-23;
- 3 e. 0.30 the number of full-time equivalent students who ~~are~~
4 (1) On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be least proficient and placed in the first
6 of six categories of proficiency; and are
7 (2) Are enrolled in a program of instruction for English language learners;
- 8 f. 0.25 the number of full-time equivalent students enrolled in an alternative high
9 school;
- 10 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
11 ~~elementary school;~~
- 12 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
13 ~~school;~~
- 14 i. 0.20 the number of full-time equivalent students attending school in a bordering
15 state in accordance with section 15.1-29-01;
- 16 ~~j-h.~~ 0.20 the number of full-time equivalent students who ~~are~~
17 (1) On a test of English language proficiency approved by the superintendent of
18 public instruction are determined to be ~~not~~more proficient than students
19 placed in the first of six categories of proficiency and therefore placed in the
20 second of six categories of proficiency; and are
21 (2) Are enrolled in a program of instruction for English language learners;
- 22 k-i. 0.17 the number of full-time equivalent students enrolled in an early childhood
23 special education program;
- 24 t-j. ~~0-070.10~~ the number of students enrolled in average daily membership, if the
25 district has fewer than one hundred students enrolled in average daily
26 membership and the district consists of an area greater than two hundred
27 seventy-five square miles [19424.9 hectares], provided that any school district
28 consisting of an area greater than six hundred square miles [155399 hectares]
29 and enrolling fewer than fifty students in average daily membership must be
30 deemed to have an enrollment equal to fifty students in average daily
31 membership;

- 1 k. 0.073 the number of students enrolled in average daily membership, in order to
2 support the provision of special education services;
- 3 ~~m-l.~~ 0.07 the number of full-time equivalent students who ~~are~~:
4 (1) On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be somewhat more proficient than
6 students placed in the second of six categories of proficiency and therefore
7 placed in the third of six categories of proficiency; and are
8 (2) Are enrolled in a program of instruction for English language learners;
- 9 m. 0.06 the number of full-time equivalent students instructed by teachers
10 participating in a supplemental teacher-effectiveness compensation plan in
11 accordance with sections 22 through 28 of this Act;
- 12 n. 0.025 the number of students representing that percentage of the total number of
13 students in average daily membership which is equivalent to the three-year
14 average percentage of students in grades three through eight who are eligible for
15 free or reduced lunches under the Richard B. Russell National School Lunch Act
16 [42 U.S.C. 1751 et seq.];
- 17 o. 0.006 the number of students enrolled in average daily membership in each
18 public school in the district that:
19 (1) Has acquired and is utilizing the PowerSchool student information system;
20 (2) Has acquired and is in the process of implementing the PowerSchool
21 student information system; or
22 (3) Will acquire the PowerSchool student information system during the current
23 school year, provided the acquisition is contractually demonstrated; and
- 24 p. 0.004 the number of students enrolled in average daily membership in a school
25 district that is a participating member of a regional education association meeting
26 the requirements of chapter 15.1-09.1; and
- 27 ~~p.~~ ~~0.002~~ the number of students enrolled in average daily membership, in order to
28 support technology.
- 29 2. The superintendent of public instruction shall determine each school district's weighted
30 average daily membership by adding the products derived under subsection 1 to the
31 district's average daily membership.

1 **SECTION 19. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-27-04. Per student payment rate.**

- 4 1. a. The per student payment rate to which each school district is entitled for the first
5 year of the biennium is three thousand ~~two~~eight hundred ~~seventy~~nine dollars.
6 b. The per student payment rate to which each school district is entitled for the
7 second year of the biennium is three thousand ~~seven~~nine hundred seventy-nine
8 dollars.
9 2. In order to determine the state aid payment to which each district is entitled, the
10 superintendent of public instruction shall multiply each district's weighted student units
11 by the per student payment rate set forth in subsection 1.

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

14 **15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable**
15 **increases.**

- 16 1. The superintendent of public instruction shall determine each school district's baseline
17 funding per weighted student unit by:
18 a. Adding together all state aid received by the district during the 2006-07 school
19 year;
20 b. Subtracting the amount received by the district during the 2006-07 school year
21 for transportation aid, special education excess cost reimbursements, special
22 education contracts, prior year funding adjustments, and per student payments
23 for participation in educational associations governed by joint powers
24 agreements; and
25 c. Dividing the amount determined under subdivision b by the district's 2007-08
26 weighted student units.
27 2. a. The superintendent of public instruction shall ensure that the total amount of
28 state aid payable to a district per weighted student unit, for the 2009-10 school
29 year, is at least equal to one hundred eight percent of the baseline funding per
30 weighted student unit, as established in subsection 1.

- 1 b. The superintendent of public instruction shall ensure that the total amount of
2 state aid payable to a district per weighted student unit, for each school year after
3 the 2009-10 school year, is at least equal to one hundred twelve and one-half
4 percent of the baseline funding per weighted student unit, as established in
5 subsection 1.
- 6 3. a. The superintendent of public instruction shall ensure that the total amount of
7 state aid payable to a district per weighted student unit, less any amount received
8 as equity payments under section 15.1-27-11 per weighted student unit, does not
9 exceed, for the ~~2009-10~~2011-12 school year, one hundred ~~thirty-four~~twentyfour-two
10 percent of the baseline funding per weighted student unit, as established in
11 subsection 1.
- 12 ~~b. The superintendent of public instruction shall ensure that the total amount of
13 state aid payable to a district per weighted student unit, less any amount received
14 as equity payments under section 15.1-27-11 per weighted student unit, does not
15 exceed, for each school year after the 2009-10 school year, one hundred
16 thirty-four percent of the baseline funding per weighted student unit, as
17 established in subsection 1.~~

18 **SECTION 21. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-27-11. Equity payments.**

- 21 1. The superintendent of public instruction shall:
- 22 a. Divide the imputed taxable valuation of the state by the total average daily
23 membership of all school districts in the state in order to determine the state
24 average imputed taxable valuation per student.
- 25 b. Divide the imputed taxable valuation of each school district by the district's total
26 average daily membership in order to determine each district's average imputed
27 taxable valuation per student.
- 28 2. If a school district's imputed taxable valuation per student is less than ninety percent of
29 the statewide imputed taxable valuation per student, the superintendent of public
30 instruction shall calculate the valuation deficiency by:

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

- 1 b. Any school district, which if included in the calculation would have an imputed
2 taxable valuation per student that is less than one-fifth of the statewide average
3 imputed taxable valuation per student.
- 4 7. For purposes of this section:
- 5 a. "General fund levy" includes a district's high school transportation levy and its
6 high school tuition levy.
- 7 b. "Imputed taxable valuation" means the valuation of all taxable real property in the
8 district plus:
- 9 (1) An amount determined by dividing seventy percent of the district's mineral
10 and tuition revenue, revenue from payments in lieu of property taxes on
11 distribution and transmission of electric power, revenue from payments in
12 lieu of taxes from electricity generated from sources other than coal, and
13 revenue received on account of the leasing of lands acquired by the United
14 States for flood control, navigation, and allied purposes in accordance with
15 33 U.S.C. 701c-3 by the district's general fund mill levy for the taxable year
16 2008; and
- 17 (2) An amount determined by dividing the district's revenue from mobile home
18 taxes and telecommunications taxes by the district's general fund mill levy
19 for the taxable year 2008.
- 20 c. "Mineral revenue" includes all revenue from county sources reported under code
21 2000 of the North Dakota school district financial accounting and reporting
22 manual as developed by the superintendent of public instruction in accordance
23 with section 15.1-02-08.
- 24 d. "Tuition revenue" includes all revenue reported under code 1300 of the North
25 Dakota school district financial accounting and reporting manual as developed by
26 the superintendent of public instruction in accordance with section 15.1-02-08.
27 "Tuition revenue" does not include tuition income received specifically for the
28 operation of an educational program provided at a residential treatment facility.

29 **SECTION 22. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-27-35.3. (Effective through June 30, 2011) Payments to school districts --**

2 **Unobligated general fund balance -- Report to legislative council.**

3 1. ~~The superintendent of public instruction shall determine the amount of payments due a~~
4 ~~school district and shall subtract from that the amount by which the unobligated~~
5 ~~general fund balance of the district on the preceding June thirtieth is in excess of fifty~~
6 ~~percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,~~
7 ~~2008, the superintendent of public instruction shall determine the amount of payments~~
8 ~~due a school district and shall subtract from that the amount by which the unobligated~~
9 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~
10 ~~forty five percent of its actual expenditures, plus twenty thousand dollars.~~

11 2. ~~In making the determination required by subsection 1, the superintendent of public~~
12 ~~instruction may not include in a district's unobligated general fund balance any~~
13 ~~moneys that:~~

14 a. (1) ~~Were received by the district during the school year ending June 30, 2009,~~
15 ~~on account of the leasing of lands acquired by the United States for flood~~
16 ~~control, navigation, and allied purposes in accordance with 33 U.S.C.~~
17 ~~701c-3; and~~

18 (2) ~~Exceeded the amount received by the district during the school year ending~~
19 ~~June 30, 2008, for the purpose stated in paragraph 1;~~

20 b. ~~Were received directly by the district from the United States government in~~
21 ~~accordance with the American Recovery and Reinvestment Act of 2009; or~~

22 c. ~~Were received by the district as supplemental one-time grants under section 52~~
23 ~~of S.L. 2009, ch. 175.~~

24 3. ~~Any district having more than fifty thousand dollars excluded in the determination of its~~
25 ~~ending fund balance, as required by subsection 2, shall provide a report to the~~
26 ~~legislative council. The report, which must be presented at the time and in the manner~~
27 ~~directed by the legislative council, must address how the money was expended,~~
28 ~~including the number of mills by which the district was able to decrease its property~~
29 ~~taxes, if such was a permitted use.~~

30 **(Effective after June 30, 2011) Payments to school districts - Unobligated general**
31 **fund balance.**

1 1. The superintendent of public instruction shall determine the amount of payments due a
2 school district and shall subtract from that the amount by which the unobligated
3 general fund balance of the district on the preceding June thirtieth is in excess of fifty-
4 percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,
5 2008, the superintendent of public instruction shall determine the amount of payments
6 due a school district and shall subtract from that the amount by which the unobligated
7 general fund balance of the district on the preceding June thirtieth is in excess of
8 forty-five percent of its actual expenditures, plus twenty thousand dollars.

9 2. In making the determination required by subsection 1, the superintendent of public
10 instruction may not include in a district's unobligated general fund balance any
11 moneys that were received by the district from the federal education jobs fund
12 program.

13 **SECTION 23.** A new section to chapter 15.1-27 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Supplemental teacher-effectiveness compensation plan.**

16 1. A representative organization authorized by a negotiating unit, as defined in
17 subdivision b of subsection 2 of section 15.1-16-01, and the board of a school district
18 may agree to pursue a supplemental teacher-effectiveness compensation plan for
19 teachers in the negotiating unit.

20 2. The negotiating unit may include:

21 a. All teachers employed by the board to teach in the school district; or

22 b. All teachers employed by the board to teach at a particular school in the district.

23 **SECTION 24.** A new section to chapter 15.1-27 of the North Dakota Century Code is
24 created and enacted as follows:

25 **Supplemental teacher-effectiveness compensation plan - Development committee -**
26 **Membership.**

27 1. Upon agreeing to pursue a supplemental teacher-effectiveness compensation plan,
28 the board of the school district and the representative organization shall form a
29 committee to develop the plan. The membership of the committee must be agreed
30 upon by the board of the school district and the representative organization.

1 2. At the initial meeting of the committee, the members shall establish rules of operation
2 and procedure.

3 3. The committee formed under this section is a public entity for purposes of chapter
4 44-04.

5 **SECTION 25.** A new section to chapter 15.1-27 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Supplemental teacher-effectiveness compensation plan - Required content.**

8 1. A supplemental teacher-effectiveness compensation plan developed under this section
9 must:

10 a. Include only matters of compensation and may not include other terms or
11 conditions of employment normally negotiated under chapter 15.1-16;

12 b. Provide for a determination of compensation that takes into account:

13 (1) Whether the school district has had difficulty filling a particular position with
14 a suitable and highly qualified teacher;

15 (2) Whether a teacher has advanced academic degrees or special skills and
16 knowledge beyond those minimally required for a position;

17 (3) Whether a teacher has pursued certified professional development activities
18 beyond those minimally required for a position;

19 (4) Whether a teacher has assumed responsibilities that are beyond those
20 minimally required for a position; and

21 (5) Various measures of student growth, including academic growth;

22 c. Include a rigorous and objective system of teacher evaluation that equitably links
23 an individual's performance to the opportunity for additional compensation; and

24 d. Ensure that no teacher subject to the plan will receive less total compensation
25 than that teacher was eligible to receive under the last contract negotiated under
26 chapter 15.1-16.

27 2. A supplemental teacher-effectiveness compensation plan is not subject to a
28 declaration of impasse under chapter 15.1-16.

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

1 **Supplemental teacher-effectiveness compensation plan - Review panel.**

2 1. Upon agreeing to a supplemental teacher-effectiveness compensation plan, the plan
3 development committee shall forward the plan to a panel consisting of:

4 a. Two employees of the department of public instruction, selected by the
5 superintendent of public instruction;

6 b. Two individuals appointed by the North Dakota council of educational leaders;

7 c. Two individuals appointed by the North Dakota education association; and

8 d. Two individuals appointed by the North Dakota school boards association.

9 2. a. The panel shall review the plan to ensure that it meets the requirements of
10 section 25 of this Act and:

11 (1) Approve the plan and recommend that the superintendent of public
12 instruction provide funding for the plan, as provided for in section
13 15.1-27-03.1; or

14 (2) Deny the plan and provide to the plan development committee suggestions
15 for modification.

16 b. A plan that has been denied by the panel may be modified and resubmitted to the
17 panel for additional consideration.

18 c. Only those plans that have received approval before April first are eligible to be
19 funded during the ensuing school year.

20 3. In addition to the requirements set forth in subsections 1 and 2, the plan review panel
21 shall:

22 a. Develop and distribute guidelines pertaining to the creation of supplemental
23 teacher-effectiveness compensation plans; and

24 b. Upon request meet with and advise plan development committees pursuing the
25 creation of supplemental teacher-effectiveness compensation plans.

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

28 **Annual report - Required content.**

29 1. Any school district that receives funding to implement a supplemental
30 teacher-effectiveness compensation plan, as provided for in section 15.1-27-03.1,
31 shall file an annual report with the superintendent of public instruction, at the time and

- 1 in the manner directed by the superintendent. The report shall address whether the
2 plan has:
- 3 a. Alleviated difficulty filling particular positions with suitable and highly qualified
4 teachers;
- 5 b. Encouraged teachers to pursue advanced academic degrees or acquire special
6 skills and knowledge beyond those minimally required for a position;
- 7 c. Encouraged teachers to pursue certified professional development activities
8 beyond those minimally required for a position;
- 9 d. Encouraged teachers to assume additional responsibilities that are beyond those
10 minimally required for a position; and
- 11 e. Resulted in measurable student growth, including academic growth.
- 12 2. The report also must include suggestions for modifications to the plan, if appropriate.
- 13 3. The representative organization shall indicate in writing its agreement with the report
14 and the suggestions for modifications, as submitted by the school district in
15 accordance with this section, or provide to the superintendent of public instruction a
16 separate report together with any suggestions for modifications.
- 17 4. If the school district and the representative organization agree to recommend
18 continuation of the plan, with or without modification, the report must contain a request
19 for continued funding.
- 20 5. The superintendent of public instruction shall provide copies of the report to the plan
21 review panel established by section 26 of this Act.

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

24 **Existing contracts - Terms - Effect.**

- 25 1. The terms of any contract entered before July 1, 2011, between the board of a school
26 district and a representative organization in accordance with chapter 15.1-16, remain
27 in force and effect for the duration of the contract.
- 28 2. A supplemental teacher-effectiveness compensation plan authorized by this Act may
29 take effect on July 1, 2012.

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

1 **Plan review panel - Reimbursement for expenses.**

2 Each member of the supplemental teacher-effectiveness compensation plan review panel is
3 entitled to receive reimbursement for expenses, as provided by law for state officials, if the
4 member is attending meetings or performing duties directed by the panel.

5 **SECTION 30. ISOLATED SCHOOLS - TRANSITION PAYMENTS.**

- 6 1. If during the 2010-11 school year a school district received payments as a result of
7 section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not
8 eligible for the factor established under subdivision j of subsection 1 of section
9 15.1-27-03.1, the district is entitled to the following transition payments:
- 10 a. For the 2011-12 school year, an amount equal to that which the district would
11 have received under section 15.1-27-15, as the section existed on June 30, 2011;
- 12 b. For the 2012-13 school year, an amount equal to seventy-five percent of that
13 which the district would have received under section 15.1-27-15, as the section
14 existed on June 30, 2011;
- 15 c. For the 2013-14 school year, an amount equal to fifty percent of that which the
16 district would have received under section 15.1-27-15, as the section existed on
17 June 30, 2011; and
- 18 d. For the 2014-15 school year, an amount equal to twenty-five percent of that
19 which the district would have received under section 15.1-27-15, as the section
20 existed on June 30, 2011.
- 21 2. Upon the closure of a school that met the definition of isolated under section
22 15.1-27-15, as it existed on June 30, 2011, the superintendent of public instruction
23 shall cease to provide to the district the transition payments established under
24 subsection 1.

25 **SECTION 31. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 26 1. During each year of the 2011-13 biennium, the superintendent of public instruction
27 shall calculate the payment to which each school district is entitled based on the state
28 transportation formula as it existed on June 30, 2001, except that the superintendent
29 shall provide reimbursement at the rate of:
- 30 a. One dollar and three cents per mile for schoolbuses having a capacity of ten or
31 more passengers;

- 1 b. Forty-six cents per mile for vehicles having a capacity of nine or fewer
2 passengers;
- 3 c. Forty-six cents per mile, one-way, provided:
- 4 (1) The student being transported resides more than two miles from the public
5 school that the student attends;
- 6 (2) The student is transported by an adult member of the student's family;
- 7 (3) The student is transported in a vehicle furnished by the student's parents;
- 8 and
- 9 (4) The student's transportation is paid for by the student's parents; and
- 10 d. Twenty-six cents per student for each one-way trip.
- 11 2. The superintendent of public instruction shall use the latest available student
12 enrollment count in each school district in applying the provisions of subsection 1.
- 13 3. If any moneys provided for transportation payments in the grants - transportation line
14 item in the appropriation bill for the superintendent of public instruction, as approved
15 by the sixty-second legislative assembly, remain after application of the formula
16 provided for in this section, the superintendent of public instruction shall prorate the
17 remaining amounts according to the percentage of the total transportation formula
18 amount to which each school district is entitled.
- 19 4. This section does not authorize the reimbursement of any costs incurred in providing
20 transportation for student attendance at extracurricular activities or events.

21 **SECTION 32. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES -**
22 **REPORTS TO THE LEGISLATIVE MANAGEMENT.**

- 23 1. During the 2011-13 biennium, the board of each school district shall use an amount
24 equal to at least seventy percent of all new money received by the district for per
25 student payments to increase the compensation paid to teachers and to provide
26 compensation to teachers who begin employment with the district on or after July 1,
27 2011.
- 28 2. For purposes of this section, the superintendent of public instruction shall calculate the
29 amount of new money received by a district during the 2011-13 biennium by:
- 30 a. Determining the total amount of state dollars received by each district during the
31 2009-11 biennium as per student payments, provided that equity payments,

- 1 transportation payments, contingency distributions, mill levy reduction payments,
2 and technology support payments are not to be included in the total;
- 3 b. Determining the total amount of state dollars received by each district during the
4 2011-13 biennium as per student payments, provided that equity payments,
5 transportation payments, contingency distributions, mill levy reduction payments,
6 and the data collection payments are not to be included in the total; and
- 7 c. Subtracting the amount arrived at under subdivision a from the amount arrived at
8 under subdivision b.
- 9 3. School districts providing educational services under a cooperative agreement
10 approved by the superintendent of public instruction must, for purposes of this section,
11 be treated as a single district.
- 12 4. a. This section does not apply to a school district if the board of the school district,
13 after a public hearing at which public testimony and documentary evidence are
14 accepted, determines in its discretion and by an affirmative vote of two-thirds of
15 the members of the board that complying with subsection 1 would place the
16 school district in the position of having insufficient fiscal resources to meet the
17 school district's other obligations.
- 18 b. Within ten days of the vote required by subdivision a, the school board shall
19 notify the superintendent of public instruction of its action and shall file a report
20 detailing the grounds for its determination and action.
- 21 c. The superintendent of public instruction shall report all notices received under
22 this subsection to the legislative management.

23 **SECTION 33. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During the 2011-13
24 biennium, the superintendent of public instruction shall expend up to \$800,000 from the grants -
25 state school aid line item in the appropriation bill for the superintendent of public instruction, as
26 approved by the sixty-second legislative assembly, for the purpose of providing an annual grant
27 to each eligible regional education association in order to assist each association with the cost
28 of compensating a coordinator.

- 29 1. In order to receive a grant under this section, each regional education association
30 must:

- 1 a. Enter a contract with an individual to serve as a coordinator, on a full-time or a
- 2 part-time basis, for a duration of at least twelve months; and
- 3 b. Provide from other revenue sources at least thirty percent of the total
- 4 compensation payable to the coordinator.
- 5 2. The maximum grant payable to a regional education association under this section
- 6 during each year of the biennium is the lesser of \$50,000 or seventy percent of the
- 7 total compensation payable to the coordinator.

8 **SECTION 34. APPROPRIATION.** There is appropriated out of any moneys in the general
9 fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the
10 sum as may be necessary, to the department of commerce for the purpose of providing grants
11 in the amount of \$1,200 to individuals seeking a child development associate credential, for the
12 biennium beginning July 1, 2011, and ending June 30, 2013.

13 **SECTION 35. PRINCIPAL MENTORSHIP GRANTS.** During the 2011-13 biennium, the
14 superintendent of public instruction shall expend up to \$461,500 from the grants - other grants
15 line item in the appropriation bill for the superintendent of public instruction, as approved by the
16 sixty-second legislative assembly, for the purpose of contracting with a statewide educational
17 organization for the development and implementation of a principal mentorship program. The
18 program must be designed to assist an individual in the first year of principalship through the
19 assignment of a mentor. If sufficient moneys are available, the program may be expanded to
20 provide services to individuals beyond the first year of principalship.

21 **SECTION 36. APPROPRIATION.** There is appropriated out of any moneys in the general
22 fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much of the
23 sum as may be necessary, to the superintendent of public instruction for the purpose of
24 reimbursing expenses incurred by the supplemental teacher-effectiveness compensation plan
25 review panel, for the biennium beginning July 1, 2011, and ending June 30, 2013.

26 **SECTION 37. REPEAL.** Section 15.1-27-15 of the North Dakota Century Code is repealed.