

**SECOND ENGROSSMENT
with Conference Committee Amendments
REENGROSSED SENATE BILL NO. 2150**

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 6-09, a new section to chapter
2 15.1-09.1, four new sections to chapter 15.1-18.2, two new sections to chapter 15.1-21, and a
3 new section to chapter 15.1-27 of the North Dakota Century Code, relating to required transfers,
4 regional education associations, the professional development advisory committee, North
5 Dakota scholarships, and state aid; to amend and reenact sections 15.1-07-33, 15.1-09.1-02,
6 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08, 15.1-21-18, 15.1-21-19,
7 15.1-22-01, 15.1-22-02, 15.1-27-03, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11,
8 15.1-27-23, 15.1-27-35.3, 15.1-36-02, and 15.1-37-01, subsection 1 of section 15.1-37-02, and
9 section 15.1-37-03 of the North Dakota Century Code, relating to technology, regional education
10 associations, curriculum requirements, assessments, scholarships, kindergartens, student
11 consultations, state aid, school construction funding, and early childhood education, care, and
12 services; to repeal section 5 of this Act and sections 15.1-18.2-01, 15.1-18.2-02, 15.1-18.2-03,
13 and 15.1-27-15 of the North Dakota Century Code, relating to professional development and
14 isolated schools; to provide an appropriation; to provide for compensation increases, transition
15 payments, and the distribution of transportation grants, alternative middle school grants, and
16 rapid enrollment growth grants; to provide for legislative management studies and reports; to
17 provide an effective date; to provide an expiration date; and to declare an emergency.

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

19 **SECTION 1.** A new section to chapter 6-09 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Required transfer - Special education contract costs.**

22 If the industrial commission is notified by the superintendent of public instruction that, using
23 all available sources, there are insufficient moneys with which to fully reimburse school districts
24 for the excess costs of serving the one percent of special education students statewide who

1 require the greatest school district expenditures in order to be provided with special education
2 and related services, the industrial commission shall transfer from the earnings and
3 accumulated and undivided profits of the Bank of North Dakota the amount that the
4 superintendent of public instruction certifies is necessary to provide the statutorily required level
5 of reimbursement. The superintendent of public instruction shall file for introduction legislation
6 requesting that the ensuing legislative assembly return any amount transferred under this
7 section to the Bank of North Dakota.

8 **SECTION 2. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-07-33. Student information system - Statewide coordination - Financial support -**
11 **Exemption.**

- 12 1. Notwithstanding any other technology requirements imposed by the superintendent of
13 public instruction, the information technology department, or the North Dakota
14 educational technology council, each school district shall acquire PowerSchool
15 through the information technology department and use it as its principal student
16 information system.
- 17 2. The superintendent of public instruction shall forward that portion of a school district's
18 state aid which is payable by the superintendent under subdivision n of subsection 1 of
19 section 15.1-27-03.1 directly to the information technology department to reimburse
20 the department for the cost of the school district's acquisition, implementation, or
21 utilization of PowerSchool and any related technology support services. The
22 superintendent shall forward the amount payable under this subsection at the same
23 time and in the same manner as provided for other state aid payments under section
24 15.1-27-01.
- 25 3. If the portion of a school district's state aid forwarded to the information technology
26 department under subsection 2 exceeds the cost incurred by the information
27 technology department in providing for the school district's acquisition,
28 implementation, or utilization of PowerSchool and any related technology support
29 services, the information technology department shall return the excess moneys to the
30 superintendent of public instruction for redistribution to the school district as per
31 student payments.

- 1 4. The superintendent of public instruction may exempt a school district from having to
2 acquire and utilize PowerSchool if the school district demonstrates that, in accordance
3 with requirements of the bureau of Indian education, the district has acquired and is
4 utilizing a student information system that is determined to be comparable by the
5 superintendent.

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

8 **15.1-09.1-02. Regional education association -- ~~Joint powers agreement associations~~ -**
9 **Review by superintendent of public instruction - Criteria.**

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

- 13 1. The school districts must:
- 14 a. Have a combined total land mass of at least five thousand eight hundred square
15 miles [1502193 hectares];
- 16 b. (1) Have a combined total land mass of at least four thousand five hundred
17 square miles [1165494 hectares]; and
18 (2) Number at least twelve;
- 19 c. (1) Have a combined total land mass of at least four thousand square miles
20 [1035995 hectares]; and
21 (2) Have at least three thousand students in average daily membership; or
22 d. (1) Have a combined total land mass of at least one thousand five hundred
23 square miles [388498 hectares]; and
24 (2) Have at least seven thousand five hundred students in average daily
25 membership.
- 26 2. The school districts ~~are~~must be contiguous to each other or, if the districts are not
27 contiguous to each other, the superintendent of public instruction shall verify that the
28 participating districts can provide sound educational opportunities to their students in a
29 fiscally responsible manner without injuring other school districts or regional education
30 associations and without negatively impacting the ability of other school districts or
31 regional education associations to provide sound educational opportunities to their

1 students in a fiscally responsible manner. A decision by the superintendent of public
2 instruction under this subsection may be appealed to the state board of public school
3 education. A decision by the state board is final.

4 3. The joint powers agreement ~~requires~~must require that the participating school districts
5 maintain a joint operating fund and ~~share various administrative functions and student~~
6 ~~services in accordance with subsection 4.~~

7 4. a. ~~During the first two school years in which a regional education association is~~
8 ~~operational, each participating school district shall share in at least two~~
9 ~~administrative functions and two student services, selected by the district.~~

10 b. ~~During the third and fourth school years in which a regional education association~~
11 ~~is operational, each participating school district shall share in at least three~~
12 ~~administrative functions and three student services, selected by the district.~~

13 e. ~~During the fifth school year in which a regional education association is~~
14 ~~operational, and each year thereafter, each participating school district shall~~
15 ~~share at least five administrative functions and five student services, selected by~~
16 ~~the district.~~

17 d. For purposes of this subsection:

18 (1) "Administrative functions" means:

19 (a) Business management;

20 (b) Career and technical education services management;

21 (c) Curriculum mapping or development;

22 (d) Data analysis;

23 (e) Federal program support;

24 (f) Federal title program management;

25 (g) Grant writing;

26 (h) School improvement;

27 (i) School safety and environment management;

28 (j) Special education services management;

29 (k) Staff development;

30 (l) Staff retention and recruitment;

31 (m) Staff sharing;

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

- 1 a. ~~Establishes~~Establish the number of members on the governing board;
- 2 b. ~~Establishes~~Establish the manner in which members of the governing board are
- 3 determined;
- 4 c. ~~Requires all members~~Require that each member of the governing board ~~or their~~
- 5 ~~designees to be individuals~~be an individual currently serving on the board of a
- 6 participating school district or the designee of a participating school district's
- 7 board; and
- 8 d. ~~Allows~~Allow for the inclusion of ex officio nonvoting members on the governing
- 9 board.

10 ~~8.7.~~ The joint powers agreement ~~provides~~must provide that the board of the regional
11 education association shall meet at least quarterly.

12 ~~9.8.~~ The joint powers agreement ~~does~~may not permit the regional education association to
13 compensate members of the regional education association board for attending
14 meetings of the board and does not permit the regional education association to
15 reimburse members of the board for any expenses incurred in attending meetings of
16 the board.

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

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

- 20 1. In order to be eligible for state funding, a regional education association must offer the
21 following services to its member districts:
 - 22 a. Coordination and facilitation of professional development activities for teachers
23 and administrators employed by its member districts;
 - 24 b. Supplementation of technology support services;
 - 25 c. Assistance with achieving school improvement goals identified by the
26 superintendent of public instruction;
 - 27 d. Assistance with the collection, analysis, and interpretation of student
28 achievement data; and
 - 29 e. Assistance with the expansion and enrichment of curricular offerings.
- 30 2. Subsection 1 does not preclude a regional education association from offering
31 additional services to its member districts.

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

3 **Professional development advisory committee - Reimbursement of members.**

4 Each member of the professional development advisory committee is entitled to receive
5 reimbursement for expenses as provided by law for state officers if the member is attending
6 committee meetings, except that no member may receive reimbursement under this section for
7 more than three committee meetings during each year of the biennium.

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

10 **Teacher support program - Establishment.**

11 The education standards and practices board shall:

- 12 1. Establish and administer a teacher support program;
13 2. Employ an individual to serve as a teacher support program coordinator;
14 3. a. Select and train experienced teachers who will serve as mentors for first-year
15 teachers and assist the first-year teachers with instructional skills development;
16 or
17 b. If a school district or other employing entity listed in section 9 of this Act is not in
18 need of mentors for its first-year teachers, select and train experienced teachers
19 who will work with school district administrators and administrators from the other
20 employing entities to identify the needs of the non-first-year teachers and help
21 the non-first-year teachers address their particular needs through the use of:
22 (1) Research-validated interventions; and
23 (2) Proven instructional methods.

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

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

27 The education standards and practices board may use any moneys it receives for the
28 teacher support program to provide staff compensation, training, evaluation, and stipends for
29 mentors and experienced teachers who assist first-year and non-first-year teachers participating
30 in the program, and to pay for any other administrative expenses resulting from the program;

1 provided, however, that the board may not expend more than five percent of the moneys for
2 administrative purposes.

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

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

6 The education standards and practices board may provide support services to teachers
7 employed by:

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

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

15 **15.1-21-02.1. High school graduation -- Diploma requirements diploma - Minimum**
16 **units.**

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

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

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- 1 b. (1) ~~One-half unit of United States government and one-half unit of economics;~~
- 2 ~~or~~
- 3 (2) ~~One unit of problems of democracy; and~~
- 4 e. ~~One unit or two one-half units of any other social studies, which may include-~~
- 5 ~~eivics, civilization, geography and history, multicultural studies, North Dakota-~~
- 6 ~~studies, psychology, sociology, and world history;~~
- 7 5. a. One unit of physical education; or
- 8 b. One-half unit of physical education and one-half unit of health;
- 9 6. ~~Three units of:~~
- 10 a. Foreign languages;
- 11 b. Native American languages;
- 12 e. Fine arts; or
- 13 d. Career and technical education courses; and
- 14 7. ~~Any five additional units:~~
- 15 1. The twenty-two units of high school coursework set forth in section 10 of this Act; and
- 16 2. Any additional units of high school coursework required by the issuing entity.
- 17 **SECTION 10.** A new section to chapter 15.1-21 of the North Dakota Century Code is
- 18 created and enacted as follows:
- 19 **High school graduation - Minimum requirements.**
- 20 Except as provided in section 15.1-21-02.3, the following twenty-two units of high school
- 21 coursework constitute the minimum requirement for high school graduation:
- 22 1. Four units of English language arts from a sequence that includes literature,
- 23 composition, and speech;
- 24 2. Three units of mathematics;
- 25 3. Three units of science, including:
- 26 a. One unit of physical science;
- 27 b. One unit of biology; and
- 28 c. (1) One unit of any other science; or
- 29 (2) Two one-half units of any other science;
- 30 4. Three units of social studies, including:
- 31 a. One unit of United States history;

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

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

17 **15.1-21-02.4. North Dakota career and technical education scholarship.**

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

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

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- 1 c. (1) One unit of any other science; or
2 (2) Two one-half units of any other science;
3 4. Completed three units of social studies, including:
4 a. One unit of United States history;
5 b. (1) One-half unit of United States government and one-half unit of economics;
6 or
7 (2) One unit of problems of democracy; and
8 c. One unit or two one-half units of any other social studies, which may include
9 civics, civilization, geography and history, multicultural studies, North Dakota
10 studies, psychology, sociology, and world history;
11 5. a. Completed one unit of physical education; or
12 b. One-half unit of physical education and one-half unit of health;
13 6. Completed:
14 a. One unit selected from:
15 (1) Foreign languages;
16 (2) Native American languages;
17 (3) American sign language;
18 (4) Fine arts; or
19 (5) Career and technical education courses; and
20 b. Two units of a coordinated plan of study recommended by the department of
21 career and technical education and approved by the superintendent of public
22 instruction; and
23 e.7. ~~Completes three~~Completed any five additional units, two of which must be in the area
24 of career and technical education;
25 2. ~~Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
26 3.8. a. (1) ~~Obtains~~Obtained a cumulative grade point average of at least "B"3.0 on a
27 4.0 grading scale, as determined by the superintendent of public instruction,
28 based on all high school units in which the student was enrolled; and
29 (2) Obtained a grade of at least "C" in each unit or one-half unit; or

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

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

5 4.9. ~~Receives~~Received:

6 a. A composite score of at least twenty-four on an ACT; or

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

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

12 **15.1-21-02.5. North Dakota academic scholarship.**

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

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

19 2. Completed three units of mathematics, including:

20 a. ~~Completes one~~One unit of algebra II, as defined by the superintendent of public
21 instruction, ~~in fulfillment of the mathematics requirement set forth in subsection 2~~
22 ~~of section 15.1-21-02.1; and~~

23 b. ~~Completes one additional~~One unit of mathematics for which algebra II, as defined
24 by the superintendent of public instruction, is a prerequisite; and

25 e.3. ~~Completes~~Completed three units of science, including:

26 a. One unit of physical science;

27 b. One unit of biology; and

28 c. (1) One unit of any other science; or

29 (2) Two one-half units of any other science;

30 4. Completed three units of social studies, including:

31 a. One unit of United States history;

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- 1 b. (1) One-half unit of United States government and one-half unit of economics;
2 or
3 (2) One unit of problems of democracy; and
4 c. One unit or two one-half units of any other social studies, which may include
5 civics, civilization, geography and history, multicultural studies, North Dakota
6 studies, psychology, sociology, and world history;
7 5. a. Completed one unit of physical education; or
8 b. One-half unit of physical education and one-half unit of health;
9 6. a. Completed:
10 (1) Two units of the same foreign or native American language;
11 (2) ~~One unit of fine arts or career and technical education~~American sign
12 language; and
13 (3)b. One unit of a foreign or native selected from:
14 (1) Foreign languages;
15 (2) ~~Native American language, fine~~languages;
16 (3) American sign language;
17 (4) ~~Fine arts, or career; or~~
18 (5) Career and technical education;
19 2. ~~Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
20 3-7. ~~Obtains~~Completed any five additional units, one of which must be in the area of fine
21 arts or career and technical education;
22 8. a. (1) Obtained a cumulative grade point average of at least "B"3.0 on a 4.0
23 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;
30 4-9. ~~Receives~~Received a composite score of at least twenty-four on an ACT; and

- 1 ~~5-10.~~ a. ~~Completes~~Fulfilled any one unit requirement set forth in subsections 1 through 7
2 of this section by means of an advanced placement course and examination; or
3 b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 of this
4 section by means of a dual-credit course.

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

7 **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

- 8 1. a. The state board of higher education shall provide to any student certified as
9 being eligible by the superintendent of public instruction either a North Dakota
10 academic scholarship or a North Dakota career and technical education
11 scholarship in the amount of seven hundred fifty dollars for each semester during
12 which the student is enrolled full time at an accredited institution of higher
13 education in this state and maintains a cumulative grade point average of 2.75.
14 b. The state board of higher education shall provide to any student certified as
15 being eligible by the superintendent of public instruction either a North Dakota
16 academic scholarship or a North Dakota career and technical education
17 scholarship in the amount of five hundred dollars for each quarter during which
18 the student is enrolled full time at an accredited institution of higher education in
19 this state and maintains a cumulative grade point average of 2.75.
20 2. The state board shall monitor each scholarship recipient to ensure that the student
21 meets the academic and other requirements of this section. Upon determining that a
22 recipient student has failed to meet the requirements of this section, the board shall
23 provide notification to the student within ten days.
24 ~~2-3.~~ A student is not entitled to receive more than six thousand dollars under this section.
25 ~~3-4.~~ The state board of higher education shall forward the scholarship directly to the
26 institution in which the student is enrolled.
27 ~~4-5.~~ a. (1) This section does not require a student to be enrolled in consecutive
28 semesters.
29 (2) This section does not require a student to be enrolled in consecutive
30 quarters.

1 **b.** However, a scholarship under this section is valid only for six academic years
2 after the student's graduation from high school and may not be applied to
3 graduate programs.

4 **5-6.** A scholarship under this section is available to any eligible student who graduates
5 from a high school in this state or from a high school in a bordering state under
6 chapter 15.1-29.

7 **7.** For purposes of North Dakota scholarship eligibility under this section, "full-time"
8 means enrollment in at least twelve credits during a student's first two semesters and
9 enrollment in at least fifteen credits during each semester thereafter or enrollment in
10 the equivalent number of credits, as determined by the state board of higher
11 education, with respect to students in a quarter system.

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

14 **North Dakota scholarship - Eligibility - One-time exception.**

15 **1. a.** Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point
16 average as determined by the state board of higher education at the conclusion
17 of a semester is below 2.75, the board shall grant an exception and provide the
18 North Dakota scholarship to which the student would otherwise be entitled for the
19 next semester in which the student is enrolled full time. The exception provided
20 by this section is applicable to a student only one time.

21 **b.** If a student's cumulative grade point average as determined by the state board of
22 higher education at the conclusion of a semester is below 2.75 for a second time,
23 the student is no longer eligible to receive any additional North Dakota academic
24 or career and technical education scholarships.

25 **2. a.** Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point
26 average as determined by the state board of higher education at the conclusion
27 of a quarter is below 2.75, the board shall grant an exception and provide the
28 North Dakota scholarship to which the student would otherwise be entitled for the
29 next quarter in which the student is enrolled full time. The exception provided by
30 this section is applicable to a student only one time.

- 1 b. If a student's cumulative grade point average as determined by the state board of
2 higher education at the conclusion of a quarter is below 2.75 for a second time,
3 the student is no longer eligible to receive any additional North Dakota academic
4 or career and technical 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. Each school district shall notify its high school students that, upon request, a student is
7 entitled to receive a consultative review of the student's individual high school
8 education plan at least once during each high school grade. Upon the request of a
9 student, the school district shall provide the consultative review.
- 10 4. Each school district shall verify compliance with the requirements of this section at the
11 time and in the manner required by the superintendent of public instruction.

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

14 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

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

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

9 **SECTION 18. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-22-01. Kindergarten - Establishment by board - Request by parent - Levy.**

- 12 1. ~~Upon its own motion, the~~The board of a school district may establish a free public-
13 kindergarten.
14 2. ~~If the board receives a written request to provide kindergarten from the parent of a~~
15 ~~student who will be enrolled in the kindergarten, the board shall either provide at least~~
16 ~~a half-day kindergarten program for the~~any student enrolled in the district or pay the
17 tuition required for the student to attend ~~at least a half-day~~a kindergarten program in
18 another school district.
19 ~~3-2.~~ The board of a school district that establishes a kindergarten under this section may
20 levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2.

21 **SECTION 19. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-22-02. Public kindergarten - Requirements.**

24 A school district operating a kindergarten:

- 25 1. May not employ an individual as a kindergarten teacher unless the individual is
26 licensed to teach by the education standards and practices board or approved by the
27 education standards and practices board-;
28 2. Shall submit to the superintendent of public instruction and follow a developmentally
29 appropriate curriculum-;
30 3. Shall provide ~~at least the equivalent of thirty full days of~~kindergarten instruction, on a
31 half-day or full-day basis, as determined by the school board-;

1 4. Shall provide for a kindergarten instructional calendar equal to at least fifty percent of
2 the full-time instructional days required in accordance with section 15.1-06-04:

3 5. Shall apply all municipal and state health, fire, and safety requirements to the
4 kindergarten; and

5 5-6. May not enroll a child who is not five years old before August first of the year of
6 enrollment, unless the child will be five years old before December first and:

7 a. The child, by means of developmental and readiness screening instruments
8 approved by the superintendent of public instruction and administered by the
9 kindergarten operator, can demonstrate academic, social, and emotional
10 readiness; or

11 b. The child has been enrolled in another approved kindergarten.

12 **SECTION 20. AMENDMENT.** Section 15.1-27-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-27-03. Cost of education - Determination.**

15 1. The superintendent of public instruction shall determine the educational cost per
16 student.

17 2. In determining the educational cost per student, the superintendent may not use:

18 a. Capital outlay for buildings; i

19 b. Capital outlay for sites; i

20 c. Capital outlay for debt service; i

21 d. Expenditures for school activities; i

22 e. Expenditures for school lunch programs; i

23 f. Expenditures for transportation costs, including schoolbuses; or

24 g. Expenditures for early childhood education.

25 **SECTION 21. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
26 amended and reenacted as follows:

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

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

30 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
31 ~~program;~~

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- 1 b. ~~1.00 the number of full-time equivalent students enrolled in an extended-~~
- 2 ~~educational program in accordance with section 15.1-32-17;~~
- 3 e. ~~0.60 the number of full-time equivalent students enrolled in a summer education-~~
- 4 ~~program;~~
- 5 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based~~
- 6 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 7 e. ~~0.30 the number of full-time equivalent students who on a test of English-~~
- 8 ~~language proficiency approved by the superintendent of public instruction are~~
- 9 ~~determined to be least proficient and are enrolled in a program of instruction for~~
- 10 ~~English language learners;~~
- 11 f. ~~0.25 the number of full-time equivalent students enrolled in an alternative high-~~
- 12 ~~school;~~
- 13 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
- 14 ~~elementary school;~~
- 15 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
- 16 ~~school;~~
- 17 i. ~~0.20 the number of full-time equivalent students attending school in a bordering-~~
- 18 ~~state in accordance with section 15.1-29-01;~~
- 19 j. ~~0.20 the number of full-time equivalent students who on a test of English-~~
- 20 ~~language proficiency approved by the superintendent of public instruction are~~
- 21 ~~determined to be not proficient and are enrolled in a program of instruction for~~
- 22 ~~English language learners;~~
- 23 k. ~~0.17 the number of full-time equivalent students enrolled in an early childhood-~~
- 24 ~~special education program;~~
- 25 l. ~~0.07 the number of students enrolled in average daily membership, in order to~~
- 26 ~~support the provision of special education services;~~
- 27 m. ~~0.07 the number of full-time equivalent students who on a test of English-~~
- 28 ~~language proficiency approved by the superintendent of public instruction are~~
- 29 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~
- 30 ~~for English language learners;~~

- 1 n. ~~0.004 the number of students enrolled in average daily membership in a school-~~
2 ~~district that is a participating member of a regional education association meeting-~~
3 ~~the requirements of chapter 15.1-09.1; and~~
4 e. ~~0.002 the number of students enrolled in average daily membership, in order to-~~
5 ~~support technology.~~
6 2. ~~The superintendent of public instruction shall determine each school district's weighted-~~
7 ~~average daily membership by adding the products derived under subsection 1 to the-~~
8 ~~district's average daily membership.~~

9 **~~(Effective after June 30, 2011) Weighted average daily membership - Determination.~~**

- 10 1. For each school district, the superintendent of public instruction shall multiply by:
11 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
12 program;
13 b. 1.00 the number of full-time equivalent students enrolled in an extended
14 educational program in accordance with section 15.1-32-17;
15 c. 0.60 the number of full-time equivalent students enrolled in a summer education
16 program;
17 d. 0.50 the number of full-time equivalent students enrolled in a home-based
18 education program and monitored by the school district under chapter 15.1-23;
19 e. 0.30 the number of full-time equivalent students who ~~en~~:
20 (1) On a test of English language proficiency approved by the superintendent of
21 public instruction are determined to be least proficient and placed in the first
22 of six categories of proficiency; and are
23 (2) Are enrolled in a program of instruction for English language learners;
24 f. 0.25 the number of full-time equivalent students enrolled in an alternative high
25 school;
26 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
27 ~~elementary school;~~
28 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
29 ~~school;~~
30 i. 0.20 the number of full-time equivalent students attending school in a bordering
31 state in accordance with section 15.1-29-01;

- 1 j.h. 0.20 the number of full-time equivalent students who are:
- 2 (1) On a test of English language proficiency approved by the superintendent of
- 3 public instruction are determined to be ~~not~~more proficient than students
- 4 placed in the first of six categories of proficiency and therefore placed in the
- 5 second of six categories of proficiency; and are
- 6 (2) Are enrolled in a program of instruction for English language learners;
- 7 k.i. 0.17 the number of full-time equivalent students enrolled in an early childhood
- 8 special education program;
- 9 l.j. ~~0.07~~0.10 the number of students enrolled in average daily membership, if the
- 10 district has fewer than one hundred students enrolled in average daily
- 11 membership and the district consists of an area greater than two hundred
- 12 seventy-five square miles [19424.9 hectares], provided that any school district
- 13 consisting of an area greater than six hundred square miles [155399 hectares]
- 14 and enrolling fewer than fifty students in average daily membership must be
- 15 deemed to have an enrollment equal to fifty students in average daily
- 16 membership;
- 17 k. 0.073 the number of students enrolled in average daily membership, in order to
- 18 support the provision of special education services;
- 19 m.l. 0.07 the number of full-time equivalent students who are:
- 20 (1) On a test of English language proficiency approved by the superintendent of
- 21 public instruction are determined to be ~~somewhat~~more proficient and
- 22 are than students placed in the second of six categories of proficiency and
- 23 therefore placed in the third of six categories of proficiency;
- 24 (2) Are enrolled in a program of instruction for English language learners; and
- 25 (3) Have not been in the third of six categories of proficiency for more than
- 26 three years;
- 27 n.m. 0.025 the number of students representing that percentage of the total number of
- 28 students in average daily membership which is equivalent to the three-year
- 29 average percentage of students in grades three through eight who are eligible for
- 30 free or reduced lunches under the Richard B. Russell National School Lunch Act
- 31 [42 U.S.C. 1751 et seq.];

- 1 n. 0.006 the number of students enrolled in average daily membership in each
2 public school in the district that:
3 (1) Has acquired and is utilizing the PowerSchool student information system;
4 (2) Has acquired and is in the process of implementing the PowerSchool
5 student information system; or
6 (3) Will acquire the PowerSchool student information system during the current
7 school year, provided the acquisition is contractually demonstrated; and
8 o. 0.004 the number of students enrolled in average daily membership in a school
9 district that is a participating member of a regional education association meeting
10 the requirements of chapter 15.1-09.1; and
11 p. ~~0.002 the number of students enrolled in average daily membership, in order to~~
12 ~~support technology.~~
13 2. The superintendent of public instruction shall determine each school district's weighted
14 average daily membership by adding the products derived under subsection 1 to the
15 district's average daily membership.

16 **SECTION 22. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 ~~**15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership—**~~
19 ~~**Determination.**~~

- 20 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~
21 a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
22 ~~program;~~
23 b. ~~1.00 the number of full-time equivalent students enrolled in an extended-~~
24 ~~educational program in accordance with section 15.1-32-17;~~
25 c. ~~0.60 the number of full-time equivalent students enrolled in a summer education-~~
26 ~~program;~~
27 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based-~~
28 ~~education program and monitored by the school district under chapter 15.1-23;~~
29 e. ~~0.30 the number of full-time equivalent students who on a test of English-~~
30 ~~language proficiency approved by the superintendent of public instruction are-~~

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- 1 determined to be least proficient and are enrolled in a program of instruction for
2 English language learners;
- 3 f. ~~0.25 the number of full-time equivalent students enrolled in an alternative high-~~
4 ~~school;~~
- 5 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
6 ~~elementary school;~~
- 7 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
8 ~~school;~~
- 9 i. ~~0.20 the number of full-time equivalent students attending school in a bordering-~~
10 ~~state in accordance with section 15.1-29-01;~~
- 11 j. ~~0.20 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 not proficient and are enrolled in a program of instruction for-~~
14 ~~English language learners;~~
- 15 k. ~~0.17 the number of full-time equivalent students enrolled in an early childhood-~~
16 ~~special education program;~~
- 17 l. ~~0.07 the number of students enrolled in average daily membership, in order to-~~
18 ~~support the provision of special education services;~~
- 19 m. ~~0.07 the number of full-time equivalent students who on a test of English-~~
20 ~~language proficiency approved by the superintendent of public instruction are-~~
21 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~
22 ~~for English language learners;~~
- 23 n. ~~0.004 the number of students enrolled in average daily membership in a school-~~
24 ~~district that is a participating member of a regional education association meeting-~~
25 ~~the requirements of chapter 15.1-09.1; and~~
- 26 o. ~~0.002 the number of students enrolled in average daily membership, in order to-~~
27 ~~support technology.~~
- 28 2. ~~The superintendent of public instruction shall determine each school district's weighted-~~
29 ~~average daily membership by adding the products derived under subsection 1 to the-~~
30 ~~district's average daily membership.~~

31 **~~(Effective after June 30, 2011) Weighted average daily membership - Determination.~~**

- 1 1. For each school district, the superintendent of public instruction shall multiply by:
- 2 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
- 3 program;
- 4 b. 1.00 the number of full-time equivalent students enrolled in an extended
- 5 educational program in accordance with section 15.1-32-17;
- 6 c. 0.60 the number of full-time equivalent students enrolled in a summer education
- 7 program;
- 8 d. 0.50 the number of full-time equivalent students enrolled in a home-based
- 9 education program and monitored by the school district under chapter 15.1-23;
- 10 e. 0.30 the number of full-time equivalent students who ~~are~~:
- 11 (1) On a test of English language proficiency approved by the superintendent of
- 12 public instruction are determined to be least proficient and placed in the first
- 13 of six categories of proficiency; and are
- 14 (2) Are enrolled in a program of instruction for English language learners;
- 15 f. 0.25 the number of full-time equivalent students enrolled in an alternative high
- 16 school;
- 17 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated~~
- 18 ~~elementary school;~~
- 19 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high~~
- 20 ~~school;~~
- 21 i. 0.20 the number of full-time equivalent students attending school in a bordering
- 22 state in accordance with section 15.1-29-01;
- 23 j. ~~h.~~ 0.20 the number of full-time equivalent students who ~~are~~:
- 24 (1) On a test of English language proficiency approved by the superintendent of
- 25 public instruction are determined to be ~~not~~more proficient than students
- 26 placed in the first of six categories of proficiency and therefore placed in the
- 27 second of six categories of proficiency; and are
- 28 (2) Are enrolled in a program of instruction for English language learners;
- 29 k. ~~i.~~ 0.17 the number of full-time equivalent students enrolled in an early childhood
- 30 special education program;

- 1 ~~h.j.~~ 0-070.10 the number of students enrolled in average daily membership, if the
2 district has fewer than one hundred students enrolled in average daily
3 membership and the district consists of an area greater than two hundred
4 seventy-five square miles [19424.9 hectares], provided that any school district
5 consisting of an area greater than six hundred square miles [155399 hectares]
6 and enrolling fewer than fifty students in average daily membership must be
7 deemed to have an enrollment equal to fifty students in average daily
8 membership;
- 9 k. 0.079 the number of students enrolled in average daily membership, in order to
10 support the provision of special education services;
- 11 ~~m.l.~~ 0.07 the number of full-time equivalent students who ~~are~~:
12 (1) On a test of English language proficiency approved by the superintendent of
13 public instruction are determined to be somewhat more proficient and
14 are than students placed in the second of six categories of proficiency and
15 therefore placed in the third of six categories of proficiency;
16 (2) Are enrolled in a program of instruction for English language learners; and
17 (3) Have not been in the third of six categories of proficiency for more than
18 three years;
- 19 ~~n.m.~~ 0.025 the number of students representing that percentage of the total number of
20 students in average daily membership which is equivalent to the three-year
21 average percentage of students in grades three through eight who are eligible for
22 free or reduced lunches under the Richard B. Russell National School Lunch Act
23 [42 U.S.C. 1751 et seq.];
- 24 n. 0.006 the number of students enrolled in average daily membership in each
25 public school in the district that:
26 (1) Has acquired and is utilizing the PowerSchool student information system;
27 (2) Has acquired and is in the process of implementing the PowerSchool
28 student information system; or
29 (3) Will acquire the PowerSchool student information system during the current
30 school year, provided the acquisition is contractually demonstrated; and

- 1 o. 0.004 the number of students enrolled in average daily membership in a school
2 district that is a participating member of a regional education association meeting
3 the requirements of chapter 15.1-09.1; and
4 p. ~~0.002 the number of students enrolled in average daily membership, in order to~~
5 ~~support technology.~~
6 2. The superintendent of public instruction shall determine each school district's weighted
7 average daily membership by adding the products derived under subsection 1 to the
8 district's average daily membership.

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

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

- 13 1. ~~For each school district, the superintendent of public instruction shall multiply by:~~
14 a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
15 ~~program;~~
16 b. ~~1.00 the number of full-time equivalent students enrolled in an extended-~~
17 ~~educational program in accordance with section 15.1-32-17;~~
18 c. ~~0.60 the number of full-time equivalent students enrolled in a summer education-~~
19 ~~program;~~
20 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based-~~
21 ~~education program and monitored by the school district under chapter 15.1-23;~~
22 e. ~~0.30 the number of full-time equivalent students who on a test of English-~~
23 ~~language proficiency approved by the superintendent of public instruction are~~
24 ~~determined to be least proficient and are enrolled in a program of instruction for~~
25 ~~English language learners;~~
26 f. ~~0.25 the number of full-time equivalent students enrolled in an alternative high-~~
27 ~~school;~~
28 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~
29 ~~elementary school;~~
30 h. ~~0.25 the number of full-time equivalent students enrolled in an isolated high-~~
31 ~~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 j. 0.15 the number of full-time equivalent students in grades six through eight
25 enrolled in an alternative education program for at least an average of fifteen
26 hours per week;
- 27 ~~l-k.~~ 0-070.10 the number of students enrolled in average daily membership, if the
28 district has fewer than one hundred students enrolled in average daily
29 membership and the district consists of an area greater than two hundred
30 seventy-five square miles [19424.9 hectares], provided that any school district
31 consisting of an area greater than six hundred square miles [155399 hectares]

- 1 and enrolling fewer than fifty students in average daily membership must be
2 deemed to have an enrollment equal to fifty students in average daily
3 membership;
- 4 l. 0.079 the number of students enrolled in average daily membership, in order to
5 support the provision of special education services;
- 6 m. 0.07 the number of full-time equivalent students who are:
- 7 (1) On a test of English language proficiency approved by the superintendent of
8 public instruction are determined to be ~~somewhat~~more proficient and
9 ~~are than~~ students placed in the second of six categories of proficiency and
10 therefore placed in the third of six categories of proficiency;
- 11 (2) Are enrolled in a program of instruction for English language learners; and
12 (3) Have not been in the third of six categories of proficiency for more than
13 three years;
- 14 n. 0.025 the number of students representing that percentage of the total number of
15 students in average daily membership which is equivalent to the three-year
16 average percentage of students in grades three through eight who are eligible for
17 free or reduced lunches under the Richard B. Russell National School Lunch Act
18 [42 U.S.C. 1751 et seq.];
- 19 o. 0.006 the number of students enrolled in average daily membership in each
20 public school in the district that:
- 21 (1) Has acquired and is utilizing the PowerSchool student information system;
22 (2) Has acquired and is in the process of implementing the PowerSchool
23 student information system; or
- 24 (3) Will acquire the PowerSchool student information system during the current
25 school year, provided the acquisition is contractually demonstrated; and
- 26 p. 0.004 the number of students enrolled in average daily membership in a school
27 district that is a participating member of a regional education association meeting
28 the requirements of chapter 15.1-09.1; ~~and~~
- 29 ~~p. 0.002 the number of students enrolled in average daily membership, in order to~~
30 ~~support technology.~~

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

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

6 **15.1-27-04. Per student payment rate.**

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

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

17 **15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable**
18 **increases.**

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

1 year, is at least equal to one hundred eight percent of the baseline funding per
2 weighted student unit, as established in subsection 1.

3 b. The superintendent of public instruction shall ensure that the total amount of
4 state aid payable to a district per weighted student unit, for each school year after
5 the 2009-10 school year, is at least equal to one hundred twelve and one-half
6 percent of the baseline funding per weighted student unit, as established in
7 subsection 1.

8 3. a. The superintendent of public instruction shall ensure that the total amount of
9 state aid payable to a district per weighted student unit, less any amount received
10 as equity payments under section 15.1-27-11 per weighted student unit, does not
11 exceed, for the ~~2009-10~~2011-12 school year, one hundred ~~twentyfour~~two
12 percent of the baseline funding per weighted student unit, as established in
13 subsection 1.

14 ~~b. The superintendent of public instruction shall ensure that the total amount of~~
15 ~~state aid payable to a district per weighted student unit, less any amount received~~
16 ~~as equity payments under section 15.1-27-11 per weighted student unit, does not~~
17 ~~exceed, for each school year after the 2009-10 school year, one hundred~~
18 ~~thirty-four percent of the baseline funding per weighted student unit, as~~
19 ~~established in subsection 1.~~

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

22 **15.1-27-11. Equity payments.**

23 1. The superintendent of public instruction shall:

24 a. Divide the imputed taxable valuation of the state by the total average daily
25 membership of all school districts in the state in order to determine the state
26 average imputed taxable valuation per student.

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

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

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

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

3 **15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid**
4 **payments to school districts.**

5 1. If because of severe weather or other emergency conditions a public school or school
6 district remains closed or provides less than a full day of instruction, the public school
7 or school district shall make every effort to reschedule classes so that students receive
8 at least ~~one hundred seventy three~~the number of full instructional days of
9 instruction required by section 15.1-06-04.

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

13 3. The governor may not grant a waiver for less than a full day of instruction. However, if
14 a public school or school district closes for only a portion of its regular schoolday, the
15 hours during which the school or school district is closed may be added together to
16 determine the number of additional full days of instruction that may be waived under
17 this section.

18 **SECTION 28. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 ~~**15.1-27-35.3. (Effective through June 30, 2011) Payments to school districts --**~~
21 ~~**Unobligated general fund balance -- Report to legislative council.**~~

22 1. ~~The superintendent of public instruction shall determine the amount of payments due a~~
23 ~~school district and shall subtract from that the amount by which the unobligated~~
24 ~~general fund balance of the district on the preceding June thirtieth is in excess of fifty~~
25 ~~percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,~~
26 ~~2008, the superintendent of public instruction shall determine the amount of payments~~
27 ~~due a school district and shall subtract from that the amount by which the unobligated~~
28 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~
29 ~~forty five percent of its actual expenditures, plus twenty thousand dollars.~~

- 1 2. ~~In making the determination required by subsection 1, the superintendent of public~~
2 ~~instruction may not include in a district's unobligated general fund balance any~~
3 ~~moneys that:~~
- 4 a. (1) ~~Were received by the district during the school year ending June 30, 2009,~~
5 ~~on account of the leasing of lands acquired by the United States for flood~~
6 ~~control, navigation, and allied purposes in accordance with 33 U.S.C.~~
7 ~~701c-3; and~~
- 8 (2) ~~Exceeded the amount received by the district during the school year ending~~
9 ~~June 30, 2008, for the purpose stated in paragraph 1;~~
- 10 b. ~~Were received directly by the district from the United States government in~~
11 ~~accordance with the American Recovery and Reinvestment Act of 2009; or~~
- 12 c. ~~Were received by the district as supplemental one-time grants under section 52~~
13 ~~of S.L. 2009, ch. 175.~~
- 14 3. ~~Any district having more than fifty thousand dollars excluded in the determination of its~~
15 ~~ending fund balance, as required by subsection 2, shall provide a report to the~~
16 ~~legislative council. The report, which must be presented at the time and in the manner~~
17 ~~directed by the legislative council, must address how the money was expended,~~
18 ~~including the number of mills by which the district was able to decrease its property~~
19 ~~taxes, if such was a permitted use.~~

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

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

1 moneys that were received by the district from the federal education jobs fund
2 program.

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

5 **Distribution of remaining moneys.**

6 If any money remains in the grants - state aid line item after the superintendent complies
7 with all statutory payment obligations imposed for a biennium, the superintendent shall use the
8 remaining moneys to provide additional per student payments on a prorated basis according to
9 the latest available average daily membership of each school district.

10 **SECTION 30. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-36-02. School construction projects - Loans.**

- 13 1. The board of university and school lands may authorize the use of moneys in the coal
14 development trust fund established pursuant to section 21 of article X of the
15 Constitution of North Dakota and subsection 1 of section 57-62-02 to provide school
16 construction loans, as described in this chapter. The outstanding principal balance of
17 loans under this chapter may not exceed fifty million dollars. The board may adopt
18 policies and rules governing school construction loans.
- 19 2. In order to be eligible for a loan under this section, the board of a school district shall:
- 20 a. Propose a construction project with a cost of at least one million dollars and an
21 expected utilization of at least thirty years;
- 22 b. Obtain the approval of the superintendent of public instruction for the construction
23 project under section 15.1-36-01; and
- 24 c. Submit to the superintendent of public instruction an application containing all
25 information deemed necessary by the superintendent, including potential
26 alternative sources or methods of financing the construction project.
- 27 3. The superintendent of public instruction shall give priority to any district that meets the
28 requirements for receipt of an equity payment under section 15.1-27-11.
- 29 4. If an eligible school district's imputed taxable valuation per student is less than eighty
30 percent of the state average imputed valuation per student, the district is entitled to
31 receive:

- 1 a. A school construction loan equal to the lesser of ~~eight~~twelve million dollars or
- 2 eighty percent of the actual project cost;
- 3 b. An interest rate discount equal to at least ~~fifty~~one hundred but not more than two
- 4 hundred fifty basis points below the prevailing tax-free bond rates; and
- 5 c. A term of repayment that may extend up to twenty years.
- 6 5. If an eligible school district's imputed taxable valuation per student is equal to at least
- 7 eighty percent but less than ninety percent of the state average imputed taxable
- 8 valuation per student, the district is entitled to receive:
- 9 a. A school construction loan equal to the lesser of ~~seven~~ten million dollars or
- 10 seventy percent of the actual project cost;
- 11 b. An interest rate buydown equal to at least ~~fifty~~one hundred but not more than two
- 12 hundred fifty basis points below the prevailing tax-free bond rates; and
- 13 c. A term of repayment that may extend up to twenty years.
- 14 6. If an eligible school district's imputed taxable valuation per student is equal to at least
- 15 ninety percent of the state average imputed taxable valuation per student, the district
- 16 is entitled to receive:
- 17 a. A school construction loan equal to the lesser of ~~two~~four million ~~five hundred~~
- 18 ~~thousand~~ dollars or thirty percent of the actual project cost;
- 19 b. An interest rate discount equal to at least ~~fifty~~one hundred but not more than two
- 20 hundred fifty basis points below the prevailing tax-free bond rates; and
- 21 c. A term of repayment that may extend up to twenty years.
- 22 7. The board of a school district may submit its loan application to the superintendent of
- 23 public instruction before or after receiving authorization of a bond issue in accordance
- 24 with chapter 21-03. If the vote to authorize a bond issue precedes the application for a
- 25 loan, the application must be acted upon by the superintendent expeditiously but no
- 26 later than one hundred eighty days from the date it is received by the superintendent.
- 27 8. The superintendent of public instruction shall consider each loan application in the
- 28 order it received approval under section 15.1-36-01.
- 29 9. If the superintendent of public instruction approves the loan, the superintendent may
- 30 determine the loan amount, the term of the loan, and the interest rate, in accordance
- 31 with the requirements of this section.

1 10. The superintendent of public instruction may adopt rules governing school
2 construction loans.

3 11. For purposes of this section, a construction project means the purchase, lease,
4 erection, or improvement of any structure or facility by a school board, provided the
5 acquisition or activity is within a school board's authority.

6 **SECTION 31. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-37-01. Early childhood education program - Approval.**

9 1. Any person or school district operating an early childhood education program may
10 request approval of the program from the superintendent of public instruction. The
11 superintendent shall approve an early childhood education program if the program:

12 1.a. Is taught by individuals who are licensed to teach in early childhood education by
13 the education standards and practices board;

14 2.b. Follows a developmentally appropriate curriculum; ~~and~~

15 3.c. Is in compliance with all municipal and state health, fire, and safety requirements; and
16 and

17 d. Limits its enrollment to children who have reached the age of four before August
18 first in the year of enrollment.

19 2. ~~Per student funding will not be provided to individuals or school districts offering a~~
20 ~~prekindergarten~~In determining the state aid payments to which a school district is
21 entitled, the superintendent of public instruction may not count any student enrolled in
22 a regular early childhood education program.

23 **SECTION 32. AMENDMENT.** Subsection 1 of section 15.1-37-02 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 1. The North Dakota early childhood education council consists of:

26 a. A chairman appointed by the governor;

27 b. The superintendent of public instruction, or the superintendent's designee;

28 c. The state health officer, or the officer's designee;

29 d. The director of the department of human services, or the director's designee;

30 e. The North Dakota head start - state collaboration administrator, or the
31 administrator's designee;

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- 1 f. The commissioner of higher education, or the commissioner's designee;
- 2 g. The commissioner of commerce, or the commissioner's designee;
- 3 h. The chairman of the senate education committee, or the chairman's designee;
- 4 ~~h-i.~~ The chairman of the house of representatives education committee, or the
- 5 chairman's designee; and
- 6 ~~i-j.~~ The following gubernatorial appointees:
- 7 (1) The superintendent of a school district having at least one thousand
- 8 students in average daily membership;
- 9 (2) The superintendent of a school district having fewer than one thousand
- 10 students in average daily membership;
- 11 (3) The superintendent of a school district headquartered on a reservation or
- 12 including reservation land within its boundaries;
- 13 (4) ~~The principal of a school district;~~
- 14 ~~(5) An individual employed as an elementary school teacher;~~
- 15 ~~(6) An individual representing a non-religious-based provider of preschoolearly~~
- 16 childhood education;
- 17 ~~(7)(5)~~ An individual representing a religious-based provider of preschoolearly
- 18 childhood education;
- 19 ~~(8)(6)~~ An individual representing a center-based licensed child care provider;
- 20 ~~(9)(7)~~ An individual representing a home-based licensed child care provider;
- 21 ~~(10)(8)~~ An individual representing a reservation-based head start program;
- 22 ~~(11)(9)~~ An elected member of a school board;
- 23 ~~(12)(10)~~ The parent of a child not yet enrolled in elementary school; and
- 24 ~~(13)(11)~~ The parent of a child with special-needsdisabilities not yet enrolled in
- 25 elementary school; and
- 26 (12) An individual representing children with disabilities.

27 **SECTION 33. AMENDMENT.** Section 15.1-37-03 of the North Dakota Century Code is

28 amended and reenacted as follows:

29 **15.1-37-03. Council - Duties.**

30 The council shall:

- 1 1. Review the delivery availability and provision of early childhood education, care, and
2 services in this state;
- 3 2. ~~Conduct a needs assessment;~~
- 4 3. ~~Review early childhood education standards and propose revisions to the standards~~
5 ~~as needed;~~
- 6 4. Review ~~Identify~~ opportunities for public and private sector collaboration in the
7 delivery provision of early childhood education, care, and services in this state;
- 8 5. ~~Develop a comprehensive plan governing the delivery of early childhood education in~~
9 ~~this state; and~~
- 10 6.3. Identify ways to assist with the recruitment and retention of individuals interested in
11 working as providers of early childhood education, care, and services, including
12 training and continuing education or professional development opportunities;
- 13 4. Seek the advice and guidance of individuals who are uniquely familiar with the nature,
14 scope, and associated challenges of providing early childhood education, care, and
15 services in geographically and socioeconomically diverse settings, and develop
16 recommendations pertaining to the short-term and longer-term improvement and
17 expansion of early childhood education, care, and services in this state; and
- 18 5. Provide a biennial report regarding its activities findings and recommendations to the
19 governor and the legislative council assembly.

20 **SECTION 34. APPROPRIATION - SCHOOL DISTRICT RAPID ENROLLMENT GROWTH**

21 - **GRANTS.** There is appropriated out of any moneys in the oil and gas impact grant fund in the
22 state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as
23 may be necessary, to the superintendent of public instruction for the purpose of providing a
24 grant to any school district that can demonstrate rapid enrollment growth, for the biennium
25 beginning July 1, 2011, and ending June 30, 2013.

- 26 1. If the number of full-time equivalent students enrolled in a school district has increased
27 by at least seven percent annually and if that increase is equal to at least twenty-five
28 full-time equivalent students, as demonstrated by the district's September tenth fall
29 enrollment report, the district is entitled to receive a grant equal to the per student
30 payment provided for in section 15.1-27-04 multiplied by the actual increase in its
31 full-time equivalent student enrollment.

- 1 2. If the amount of the appropriation provided for in this section is insufficient to meet the
2 obligations of this section, the superintendent of public instruction shall prorate the
3 payment based on the percentage of the total amount to which each school district is
4 entitled.
- 5 3. The superintendent of public instruction may not expend more than \$2,500,000 in
6 grants under this section during the first year of the biennium.
- 7 4. Any district that is precluded from receiving state aid under section 15.1-27-35.3 is not
8 eligible to receive a grant under this section.

9 **SECTION 35. APPROPRIATION - GEARING UP FOR KINDERGARTEN.** There is
10 appropriated out of any moneys in the general fund in the state treasury, not otherwise
11 appropriated, the sum of \$625,000, or so much of the sum as may be necessary, to the
12 superintendent of public instruction for the purpose of supporting the gearing up for
13 kindergarten program provided by the North Dakota state university extension service, for the
14 biennium beginning July 1, 2011, and ending June 30, 2013. The North Dakota state university
15 extension service may use up to \$125,000 of the amount appropriated for administrative
16 purposes.

17 **SECTION 36. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 18 1. During each year of the 2011-13 biennium, the superintendent of public instruction
19 shall calculate the payment to which each school district is entitled based on the state
20 transportation formula as it existed on June 30, 2001, except that the superintendent
21 shall provide reimbursement at the rate of:
- 22 a. One dollar and three cents per mile for schoolbuses having a capacity of ten or
23 more passengers;
- 24 b. Forty-six cents per mile for vehicles having a capacity of nine or fewer
25 passengers;
- 26 c. Forty-six cents per mile, provided:
- 27 (1) The student being transported is a student with a disability, as defined in
28 chapter 15.1-32;
- 29 (2) The student's individualized education program plan requires that the
30 student attend a public or a nonpublic school located outside the student's
31 school district of residence;

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

24 **SECTION 37. ISOLATED SCHOOLS - TRANSITION PAYMENTS.**

- 25 1. If during the 2010-11 school year a school district received payments as a result of
- 26 section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not
- 27 eligible for the factor established under subdivision j of subsection 1 of section
- 28 15.1-27-03.1, the district is entitled to the following transition payments:
- 29 a. For the 2011-12 and 2012-13 school years, an amount equal to that which the
- 30 district would have received under section 15.1-27-15, as the section existed on
- 31 June 30, 2011;

- 1 b. For the 2013-14 school year, an amount equal to seventy-five percent of that
2 which the district would have received under section 15.1-27-15, as the section
3 existed on June 30, 2011;
- 4 c. For the 2014-15 school year, an amount equal to fifty percent of that which the
5 district would have received under section 15.1-27-15, as the section existed on
6 June 30, 2011; and
- 7 d. For the 2015-16 school year, an amount equal to twenty-five percent of that
8 which the district would have received under section 15.1-27-15, as the section
9 existed on June 30, 2011.

- 10 2. Upon the closure of a school that met the definition of isolated under section
11 15.1-27-15, as it existed on June 30, 2011, the superintendent of public instruction
12 shall cease to provide to the district the transition payments established under
13 subsection 1.

14 **SECTION 38. ALTERNATIVE MIDDLE SCHOOL - GRANTS.**

- 15 1. During the second year of the 2011-13 biennium, the superintendent of public
16 instruction shall expend up to \$300,000 from the grants - other grants line item in the
17 appropriation bill for the superintendent of public instruction, as approved by the
18 sixty-second legislative assembly, for the purpose of providing a grant to any school
19 district that offers an alternative education program for students enrolled in grades six
20 through eight.
- 21 2. In order to determine the amount that a school district may receive under this section,
22 the superintendent of public instruction shall multiply by a factor of .15 the number of
23 students in grades six through eight who are enrolled in an alternative education
24 program for at least fifteen hours per week.
- 25 3. If the expenditure authorized in this section is insufficient for providing grants to all
26 eligible school districts, the superintendent of public instruction shall prorate the grants
27 based on the percentage of the total to which each school district is entitled.

28 **SECTION 39. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES -**
29 **REPORTS TO THE LEGISLATIVE MANAGEMENT.**

- 30 1. During the 2011-13 biennium, the board of each school district shall use an amount
31 equal to at least seventy percent of all new money received by the district for per

- 1 student payments to increase the compensation paid to teachers and to provide
2 compensation to teachers who begin employment with the district on or after July 1,
3 2011.
- 4 2. For purposes of this section, the superintendent of public instruction shall calculate the
5 amount of new money available during the 2011-13 biennium by:
- 6 a. Determining the total amount of dollars in the grants - state school aid line item in
7 the 2011-13 appropriation bill for the superintendent of public instruction, as
8 approved by the sixty-second legislative assembly and subtracting from that
9 amount:
- 10 (1) Equity payments;
11 (2) Regional education association moneys and grants;
12 (3) PowerSchool acquisition, implementation, and utilization moneys; and
13 (4) Contingent distributions;
- 14 b. Determining the total amount of dollars in the grants - state school aid line item
15 and in the grants - supplemental line item in the 2009-11 appropriation bill for the
16 superintendent of public instruction, as approved by the sixty-first legislative
17 assembly and subtracting from that amount:
- 18 (1) Equity payments;
19 (2) Regional education association moneys and grants;
20 (3) Technology support payments; and
21 (4) Contingent distributions; and
- 22 c. Subtracting the amount arrived at under subdivision b from the amount arrived at
23 under subdivision a.
- 24 3. School districts providing educational services under a cooperative agreement
25 approved by the superintendent of public instruction must, for purposes of this section,
26 be treated as a single district.
- 27 4. a. This section does not apply to a school district if the board of the school district,
28 after a public hearing at which public testimony and documentary evidence are
29 accepted, determines in its discretion and by an affirmative vote of two-thirds of
30 the members of the board that complying with subsection 1 would place the

- 1 school district in the position of having insufficient fiscal resources to meet the
2 school district's other obligations.
- 3 b. Within ten days of the vote required by subdivision a, the school board shall
4 notify the superintendent of public instruction of its action and shall file a report
5 detailing the grounds for its determination and action.
- 6 c. The superintendent of public instruction shall report all notices received under
7 this subsection to the legislative management.

8 **SECTION 40. EDUCATION FUNDING AND TAXATION COMMITTEE - CREATION -**
9 **STUDY.**

- 10 1. The education funding and taxation committee consists of the following eight
11 members:
- 12 a. The house majority leader or the leader's designee selected from among the
13 members of the house education committee or the house finance and taxation
14 committee;
- 15 b. The house minority leader or the leader's designee selected from among the
16 members of the house education committee or the house finance and taxation
17 committee;
- 18 c. The senate majority leader or the leader's designee selected from among the
19 members of the senate education committee or the senate finance and taxation
20 committee;
- 21 d. The senate minority leader or the leader's designee selected from among the
22 members of the senate education committee or the senate finance and taxation
23 committee;
- 24 e. The chairman of the house education committee, or the chairman's designee;
- 25 f. The chairman of the house finance and taxation committee, or the chairman's
26 designee;
- 27 g. The chairman of the senate education committee, or the chairman's designee;
28 and
- 29 h. The chairman of the senate finance and taxation committee, or the chairman's
30 designee.

- 1 2. The chairman of the legislative management shall select one from among the voting
2 members to serve as the chairman of the committee.
- 3 3. The committee shall operate according to the statutes and procedure governing the
4 operation of other legislative management interim committees.
- 5 4. The committee shall examine short-term and longer-term state and local involvement
6 in funding elementary and secondary education. The committee shall report its
7 findings and recommendations, together with any legislation required to implement the
8 recommendations, to the legislative management.

9 **SECTION 41. ADULT EDUCATION - STUDY.** During the 2011-12 interim, the legislative
10 management shall consider studying the provision and funding of adult education. The
11 legislative management shall report its findings and recommendations, together with any
12 legislation required to implement the recommendations, to the legislative management.

13 **SECTION 42. ALTERNATIVE EDUCATION - MIDDLE SCHOOL - DATA COLLECTION**
14 **- REPORT.**

- 15 1. The superintendent of public instruction shall collect data regarding the provision of
16 services to students in grades six through eight who are enrolled in an alternative
17 education program for at least an average of fifteen hours per week. The data must
18 include:
 - 19 a. The number of school districts offering alternative education programs to
20 students in grades six through eight;
 - 21 b. The number of students in grades six through eight who are enrolled in
22 alternative education programs;
 - 23 c. The number of students in grades six through eight who are enrolled in
24 alternative education programs and who are eligible for free or reduced lunches
25 under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
 - 26 d. The average number of hours per week that students in grades six through eight
27 are spending in alternative education programs;
 - 28 e. A quantification of the students' academic accomplishments; and
 - 29 f. Any reductions in the number of students enrolled in alternative high schools.
- 30 2. Before October 1, 2012, the superintendent of public instruction shall report the data to
31 the legislative management.

1 **SECTION 43. REPEAL.** Section 5 of this Act and sections 15.1-18.2-01, 15.1-18.2-02, and
2 15.1-18.2-03 of the North Dakota Century Code are repealed.

3 **SECTION 44. REPEAL.** Section 15.1-27-15 of the North Dakota Century Code is repealed.

4 **SECTION 45. EFFECTIVE DATE.** Section 22 of this Act becomes effective on July 1, 2012.
5 Section 43 of this Act becomes effective on July 1, 2013.

6 **SECTION 46. EFFECTIVE DATE - EXPIRATION DATE.** Section 23 of this Act is effective
7 on July 1, 2013, through June 30, 2015, and after that date is ineffective.

8 **SECTION 47. EMERGENCY.** Sections 27 and 40 of this Act are declared to be an
9 emergency measure.