

Introduced by

Senator Poolman

Representative Martinson

1 A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota  
2 Century Code, relating to school district payments to postsecondary transitional programs for  
3 students on individualized education programs; and to amend and reenact section 15.1-27-03.1  
4 of the North Dakota Century Code, relating to the addition of students on individualized  
5 education programs enrolled in postsecondary transitional programs to the weighted average  
6 daily membership calculation.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15.1-27-03.1. Weighted average daily membership - Determination. (Effective through**  
11 **June 30, 2021)**

- 12 1. For each school district, the superintendent of public instruction shall multiply by:
- 13 a. 1.00 the number of full-time equivalent students enrolled in an extended  
14 educational program in accordance with section 15.1-32-17;
- 15 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
16 program, including a migrant summer education program;
- 17 c. 0.40 the number of full-time equivalent students who:
- 18 (1) On a test of English language proficiency approved by the superintendent of  
19 public instruction are determined to be least proficient and placed in the first  
20 of six categories of proficiency; and
- 21 (2) Are enrolled in a program of instruction for English language learners;
- 22 d. 0.28 the number of full-time equivalent students who:
- 23 (1) On a test of English language proficiency approved by the superintendent of  
24 public instruction are determined to be more proficient than students placed

- 1                                   in the first of six categories of proficiency and therefore placed in the second  
2                                   of six categories of proficiency; and
- 3                                   (2) Are enrolled in a program of instruction for English language learners;
- 4                                   e. 0.25 the number of full-time equivalent students under the age of twenty-one  
5                                   enrolled in grades nine through twelve in an alternative high school;
- 6                                   f. 0.20 the number of full-time equivalent students enrolled in a home-based  
7                                   education program and monitored by the school district under chapter 15.1-23;
- 8                                   g. 0.17 the number of full-time equivalent students enrolled in an early childhood  
9                                   special education program;
- 10                                  h. 0.15 the number of full-time equivalent students in grades six through eight  
11                                  enrolled in an alternative education program for at least an average of fifteen  
12                                  hours per week;
- 13                                  i. 0.10 the number of students enrolled in average daily membership, if the district  
14                                  has fewer than one hundred students enrolled in average daily membership and  
15                                  the district consists of an area greater than two hundred seventy-five square  
16                                  miles [19424.9 hectares], provided that any school district consisting of an area  
17                                  greater than six hundred square miles [155399 hectares] and enrolling fewer than  
18                                  fifty students in average daily membership must be deemed to have an  
19                                  enrollment equal to fifty students in average daily membership;
- 20                                  j. 0.082 the number of students enrolled in average daily membership, in order to  
21                                  support the provision of special education services;
- 22                                  k. 0.07 the number of full-time equivalent students who:
- 23                                   (1) On a test of English language proficiency approved by the superintendent of  
24                                   public instruction are determined to be more proficient than students placed  
25                                   in the second of six categories of proficiency and therefore placed in the  
26                                   third of six categories of proficiency;
- 27                                   (2) Are enrolled in a program of instruction for English language learners; and
- 28                                   (3) Have not been in the third of six categories of proficiency for more than  
29                                   three years;
- 30                                  l. 0.025 the number of students representing that percentage of the total number of  
31                                  students in average daily membership which is equivalent to the three-year

1 average percentage of students in grades three through eight who are eligible for  
2 free or reduced lunches under the Richard B. Russell National School Lunch Act  
3 [42 U.S.C. 1751 et seq.];

4 m. 0.002 the number of students enrolled in average daily membership in a school  
5 district that is a participating member of a regional education association meeting  
6 the requirements of chapter 15.1-09.1; and

7 n. 0.50 the number of students by which the district's September tenth enrollment  
8 report exceeds the number of students in the prior year's average daily  
9 membership.

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

13 **Weighted average daily membership - Determination. (Effective after June 30, 2021)**

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

15 a. 1.00 the number of full-time equivalent students enrolled in an extended  
16 educational program in accordance with section 15.1-32-17;

17 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
18 program, including a migrant summer education program;

19 c. 0.40 the number of full-time equivalent students who:

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

23 (2) Are enrolled in a program of instruction for English language learners;

24 d. 0.28 the number of full-time equivalent students who:

25 (1) On a test of English language proficiency approved by the superintendent of  
26 public instruction are determined to be more proficient than students placed  
27 in the first of six categories of proficiency and therefore placed in the second  
28 of six categories of proficiency; and

29 (2) Are enrolled in a program of instruction for English language learners;

30 e. 0.25 the number of full-time equivalent students under the age of twenty-one  
31 enrolled in grades nine through twelve in an alternative high school;

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- 1           f. 0.20 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           g. 0.17 the number of full-time equivalent students enrolled in an early childhood  
4           special education program;
- 5           h. 0.15 the number of full-time equivalent students in grades six through eight  
6           enrolled in an alternative education program for at least an average of fifteen  
7           hours per week;
- 8           i. 0.10 the number of students enrolled in average daily membership, if the district  
9           has fewer than one hundred students enrolled in average daily membership and  
10          the district consists of an area greater than two hundred seventy-five square  
11          miles [19424.9 hectares], provided that any school district consisting of an area  
12          greater than six hundred square miles [155399 hectares] and enrolling fewer than  
13          fifty students in average daily membership must be deemed to have an  
14          enrollment equal to fifty students in average daily membership;
- 15          j. 0.082 the number of students enrolled in average daily membership, in order to  
16          support the provision of special education services;
- 17          k. 0.07 the number of full-time equivalent students who:
- 18             (1) On a test of English language proficiency approved by the superintendent of  
19             public instruction are determined to be more proficient than students placed  
20             in the second of six categories of proficiency and therefore placed in the  
21             third of six categories of proficiency;
- 22             (2) Are enrolled in a program of instruction for English language learners; and
- 23             (3) Have not been in the third of six categories of proficiency for more than  
24             three years;
- 25          l. 0.025 the number of students representing that percentage of the total number of  
26          students in average daily membership which is equivalent to the three-year  
27          average percentage of students in grades three through eight who are eligible for  
28          free or reduced lunches under the Richard B. Russell National School Lunch Act  
29          [42 U.S.C. 1751 et seq.];

- 1 m. 0.002 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;
- 4 n. 0.60 the number of students by which the district's September tenth enrollment  
5 report exceeds the number of students in the prior year's average daily  
6 membership increasing the factor annually by 0.10, not to exceed 1.00; and
- 7 o. For districts paid based on September tenth enrollment in the prior year, 0.50 the  
8 number of students determined by deducting the number of students in the prior  
9 year's September tenth enrollment from the prior year's average daily  
10 membership, increasing the factor annually by 0.10, not to exceed 1.00. If the  
11 prior year's September tenth enrollment exceeds the prior year's average daily  
12 membership, then a deduction of 0.50 the number of excess students, increasing  
13 the factor annually by 0.10, not to exceed 1.00.
- 14 p. 1.00 the number of students ages eighteen to twenty-one with a documented  
15 intellectual or developmental disability, on an individualized education program,  
16 enrolled in a postsecondary transitional program in a district outside the student's  
17 district of residence.
- 18 2. The superintendent of public instruction shall determine each school district's weighted  
19 average daily membership by adding the products derived under subsection 1 to the  
20 district's average daily membership.

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

23 **Transitional program payments - Students - Individualized education program.**

24 Any school district of residence receiving payments under this chapter shall provide  
25 payments to postsecondary transitional programs for eligible students enrolled in a  
26 postsecondary transitional program within the state. For purposes of this section, "eligible  
27 student" means a student between the ages of eighteen and twenty-one with a documented  
28 intellectual or developmental disability, who is on an individualized education program, and who  
29 enrolls in a postsecondary transitional program in a district outside the student's district of  
30 residence. Payments made by a school district of residence to a postsecondary transitional  
31 program under this section may not exceed the per student rate under section 15.1-27-04.1.