

**SENATE BILL NO. 2269**

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.~~ for an Act to create and enact a new section to chapter 15.1-32 of  
7 the North Dakota Century Code, relating to a postsecondary transitional grant program.

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

9 ~~**SECTION 1. 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. Weighted average daily membership – Determination. (Effective through**~~  
12 ~~**June 30, 2021)**~~

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 an extended~~  
15 ~~educational program in accordance with section 15.1-32-17;~~

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

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

19 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
20 ~~public instruction are determined to be least proficient and placed in the first~~  
21 ~~of six categories of proficiency; and~~

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

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

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

1 ~~l. 0.025 the number of students representing that percentage of the total number of~~  
2 ~~students in average daily membership which is equivalent to the three-year~~  
3 ~~average percentage of students in grades three through eight who are eligible for~~  
4 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~  
5 ~~[42 U.S.C. 1751 et seq.];~~

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

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

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

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

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

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

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

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

22 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
23 ~~public instruction are determined to be least proficient and placed in the first~~  
24 ~~of six categories of proficiency; and~~

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

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

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

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

- 1 ~~————— e. 0.25 the number of full-time equivalent students under the age of twenty-one~~  
2 ~~enrolled in grades nine through twelve in an alternative high school;~~
- 3 ~~————— f. 0.20 the number of full-time equivalent students enrolled in a home-based~~  
4 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 5 ~~————— g. 0.17 the number of full-time equivalent students enrolled in an early childhood~~  
6 ~~special education program;~~
- 7 ~~————— h. 0.15 the number of full-time equivalent students in grades six through eight~~  
8 ~~enrolled in an alternative education program for at least an average of fifteen~~  
9 ~~hours per week;~~
- 10 ~~————— i. 0.10 the number of students enrolled in average daily membership, if the district~~  
11 ~~has fewer than one hundred students enrolled in average daily membership and~~  
12 ~~the district consists of an area greater than two hundred seventy-five square~~  
13 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~  
14 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~  
15 ~~fifty students in average daily membership must be deemed to have an~~  
16 ~~enrollment equal to fifty students in average daily membership;~~
- 17 ~~————— j. 0.082 the number of students enrolled in average daily membership, in order to~~  
18 ~~support the provision of special education services;~~
- 19 ~~————— k. 0.07 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 more proficient than students placed~~  
22 ~~in the second of six categories of proficiency and therefore placed in the~~  
23 ~~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 ~~————— l. 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 ~~\_\_\_\_\_ 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.~~

1       **SECTION 1.** A new section to chapter 15.1-32 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Postsecondary transitional grant program - Students.**

4       The superintendent of public instruction shall provide payments to postsecondary  
5 transitional programs for eligible students enrolled in a postsecondary transitional program  
6 within the state. For purposes of this section, "eligible student" means a student with a  
7 documented intellectual or developmental disability who is at least eighteen years of age but  
8 has not reached the age of twenty-one, who has graduated high school or obtained an  
9 equivalent degree, and who enrolls in a postsecondary transitional program. Grant payments  
10 under this section may not exceed the per student rate under section 15.1-27-04.1. The  
11 superintendent of public instruction shall review and approve postsecondary transitional  
12 programs and develop a system for the distribution of payments necessary to implement this  
13 section.