

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2176

Introduced by

Senators C. Nelson, DeMers

Representatives Delmore, Hawken, Sandvig

1 A BILL for an Act to amend and reenact section 15-40.1-09 of the North Dakota Century Code,
2 relating to the verification of per student payments.

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

4 **SECTION 1. AMENDMENT.** Section 15-40.1-09 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-40.1-09. Application for payments - Verification and determination of**
7 **payments for high school students - Report of county superintendent of schools -**

8 **Appeal.** Immediately upon the completion of the registration of students at the beginning of
9 each school term and in no event later than September tenth of each year, the business
10 manager of each school district within or without this state which is claiming payments from
11 state funds under the provisions of this chapter shall file with the ~~county~~ superintendent of
12 ~~schools~~ public instruction a claim on a form prescribed by the superintendent of public
13 instruction stating the number of students registered in high school and elementary grades for
14 which payments are claimed, and such other information as may be reasonably requested by
15 the superintendent of public instruction. Not later than December first, the superintendent of
16 public instruction shall certify to the office of management and budget a list of the school
17 districts and schools not operated by school districts entitled to payments from state funds,
18 together with the amounts to which the several districts and schools are entitled. Per student
19 aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on
20 the basis of the previous year's average daily membership less the number of students
21 attending school during the current school year in another district under the provisions of open
22 enrollment or the current year's fall enrollment, whichever provides the greatest payment, for all
23 current grade levels. Adjustments must be made in the subsequent year according to a
24 comparison between the average daily membership for the year for which the adjusted payment

1 is being made and the year preceding the year for which the adjusted payment is being made,
2 whichever is greater, for grade levels that existed in both years. The greater of the two
3 preceding years' average daily membership must be used in computing any adjustment in a
4 district's foundation aid payments. For purposes of this chapter, "average daily membership"
5 shall mean the total days all students in a given school are in attendance, including days set
6 aside for the North Dakota education association ~~convention~~ instructional conference, plus any
7 three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1
8 which have been decided upon after consultation with the teachers, the total days all students
9 are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided
10 by one hundred eighty days. School districts educating children of agricultural migratory
11 workers or offering high school summer school programs during the months of June, July, and
12 August shall not be restricted to payments for a one hundred eighty-day school term.

13 Immediately upon the termination of the school term and in no event later than July
14 fifteenth of each year, the business manager of each school district within or without this state
15 which has received payments from state funds under the provisions of this chapter shall file with
16 the ~~county~~ superintendent of ~~schools a verified~~ public instruction a notarized statement of the
17 name, residence, and membership of elementary and high school students as provided for in
18 this section, and number of units of high school work taken by each high school student
19 enrolled during the previous school year. ~~The statement shall be attested to by the county~~
20 ~~superintendent of schools. The county superintendent shall investigate the validity of the~~
21 ~~statement and shall determine the residence and other qualifications of each student named in~~
22 ~~the statement. The county superintendent shall certify to the superintendent of public~~
23 ~~instruction on or before September first of each year the number of enrolled students in each~~
24 ~~district in the county for the previous school year upon which any adjustment may be based as~~
25 ~~provided in this section. If the superintendent of public instruction disallows any statement is~~
26 ~~disallowed~~ in whole or in part, ~~notice~~ the superintendent shall notify the district of the
27 disallowance and report to the district the names of students who are disallowed ~~shall be~~
28 ~~reported to the superintendent of public instruction and to the district filing the statement. Any~~
29 district may appeal to the superintendent of public instruction ~~from the determination of the~~
30 ~~county superintendent of schools~~ for reconsideration on or before September fifteenth in the
31 year in which the determination is made. The superintendent of public instruction may change

Fifty-fifth
Legislative Assembly

- 1 or modify the determination ~~of the county superintendent~~ if the evidence submitted by the
- 2 district warrants a modification. The judgment of the superintendent of public instruction ~~shall~~
- 3 ~~be~~ is final.