

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

That the Senate recede from its amendments as printed on pages 1341-1352 of the House Journal and pages 1173-1185 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 2, replace the second "and" with "to create and enact two new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home schooling for children with autism;"

Page 1, line 3, replace "section" with "sections" and after "15-21-02" insert ", 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20"

Page 1, line 4, after "instruction" insert "and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "8,764,344" with "8,704,612"

Page 1, line 23, replace "122,915,847" with "123,940,847"

Page 1, after line 23, insert:

"Grants - technology reimbursement payments	5,000,000
Grants - SENDIT	876,000"

Page 1, line 24, replace "Geographic" with "Grants - geographic"

Page 2, line 1, replace "705,251,455" with "712,092,723"

Page 2, line 2, replace "187,038,203" with "187,229,971"

Page 2, line 3, replace "518,213,252" with "524,862,752"

Page 2, line 6, replace "1,876,280" with "1,958,201"

Page 2, line 7, replace "1,050,550" with "1,041,033"

Page 2, line 9, replace "1,260,521" with "1,135,521"

Page 2, line 10, replace "4,209,851" with "4,157,255"

Page 2, line 11, replace "1,273,641" with "1,355,562"

Page 2, line 12, replace "2,936,210" with "2,801,693"

Page 2, line 16, replace "930,822" with "913,958"

Page 2, line 19, replace "5,120,207" with "5,103,343"

Page 2, line 21, replace "4,588,329" with "4,571,465"

Page 2, line 25, replace "663,429" with "652,154"

Page 2, line 28, replace "3,317,260" with "3,305,985"

Page 2, line 30, replace "2,360,193" with "2,348,918"

Page 2, line 31, replace "528,097,984" with "534,584,828"

Page 3, line 1, replace "189,800,789" with "190,074,478"

Page 3, line 2, replace "717,898,773" with "724,659,306"

Page 3, line 3, after the first boldfaced period insert "**LEGISLATIVE**" and after "**INTENT**" insert "**- TUITION APPORTIONMENT**"

Page 3, line 10, after the first boldfaced period insert "**LEGISLATIVE**"

Page 3, line 15, after "**INTENT**" insert "**- DISTRIBUTION OF SPECIAL EDUCATION AID**"

Page 4, after line 8, insert:

**"SECTION 5. LEGISLATIVE INTENT - GRANTS FOR SENDIT.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for grants to the SENDIT network be distributed by the educational telecommunications council to support the electronic connectivity and networking of schools through the SENDIT network.

**SECTION 6. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

**SECTION 7. LEGISLATIVE INTENT - MEAT IN SCHOOL LUNCH PROGRAMS.** It is the intent of the fifty-fifth legislative assembly that the superintendent of public instruction encourage school boards operating or providing for the operation of child nutrition and food distribution programs in schools to not offer yogurt as a substitute for meat in school lunches served to students.

**SECTION 8. LEGISLATIVE INTENT - DIVISION OF INDEPENDENT STUDY TUITION RATES.** It is the intent of the fifty-fifth legislative assembly that during the 1997-99 biennium, the division of independent study review the tuition rates charged for resident and nonresident students enrolled in independent study courses and consider increasing the tuition rate charged nonresident students.

**SECTION 9. LEGISLATIVE INTENT - POSITION TRANSFERS.** It is the intent of the fifty-fifth legislative assembly that for the 1997-99 biennium, the department of public instruction be authorized to have no more than 135.45 full-time equivalent positions and that no more than 39.2 of these positions be in the division of independent study. It is the intent of the fifty-fifth legislative assembly that if, during the 1997-99 biennium, the superintendent of public instruction transfers any positions to the division of independent study from other divisions of the department of public instruction, the transfers be reported to the budget section of the legislative council at its next meeting.

**SECTION 10. LEGISLATIVE INTENT - GRANT TO LEADERSHIP IN EDUCATION ADMINISTRATION CONSORTIUM - REPORT TO LEGISLATIVE COUNCIL COMMITTEE.** It is the intent of the fifty-fifth legislative assembly that \$25,000 of the amount appropriated in the grants - other grants line item in subdivision 1 of section 1 of this Act be used to provide a grant to the leadership in education administration consortium to develop training programs in cooperation with teacher learning centers. It is the intent of the fifty-fifth legislative assembly that the leadership in education administration consortium and the teacher learning centers work cooperatively to develop training programs for teachers and education administrators. The leadership in education administration consortium shall present, no later than September 30, 1998, a report to the legislative council or its designated committee on training programs for teachers and education administrators developed in cooperation with the teacher learning centers.

**SECTION 11. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.** Notwithstanding section 2 of Senate Bill No. 2029 as passed by the fifty-fifth legislative assembly, payments to school districts educating limited English proficient students, as provided by that bill, must be paid from up to \$300,000 of the amount appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and transportation.

**SECTION 12. CREDENTIALING PROCESS FOR SPECIAL EDUCATION TEACHERS.** The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on March 1, 1997, without first convening a meeting to include representatives of the council of educational leaders, the council for exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, including the scheduling and manner of implementation, associated costs, the applicability of the proposed changes, and the short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, any representative present at the meeting objects in writing to the proposed change, the superintendent may not implement the change prior to July 1, 1999.

**SECTION 13. FEDERAL FUNDING FOR SPECIAL EDUCATION.** The legislative assembly urges Congress to fund the education of children with disabilities at the level authorized in the Education for All Handicapped Children Act of 1975. In that legislation, now known as the Individuals with Disabilities Education Act, Congress included a graduated formula for determining state entitlement and provided that for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, the federal funding level was to be set at forty percent of the average per student expenditure in public elementary and secondary schools in the United States. Because the level of federal funding received by this state has never exceeded ten percent, this federal legislation constitutes an underfunded mandate. The secretary of state shall forward copies of this section to the secretary of the department of education, to the chairman of the senate labor and human resources committee, to the chairman of the house economic and educational opportunities committee, and to each member of the North Dakota congressional delegation."

Page 4, line 14, after "district" insert ", in accordance with the district's locally developed goals 2000 educational improvement application plan"

Page 4, after line 16, insert:

**"SECTION 15. School-to-work - Student participation voluntary.** Before any elementary or secondary school student may participate in any course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994, [Pub. L. 103-239; 108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain the written consent of the student's parent or legal guardian. Participation by a student is voluntary and may not be deemed a condition of graduation. Neither school personnel, school district personnel, nor the superintendent of public instruction may impose any academic penalties or any other sanctions on a student for failure to participate. A student's participation in a course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 is subject to all state and federal child labor laws."

Page 5, after line 7, insert:

**"SECTION 20.** A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

**Children with autism - Home school.** Notwithstanding any other law, a parent or legal guardian may provide home schooling to a developmentally disabled child with autism if:

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent or legal guardian qualifies to provide home schooling under section 15-34.1-06;
3. The child's parent or legal guardian files with the superintendent of the child's school district of residence:
  - a. A notice that the child will be home schooled;
  - b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
  - c. A description of the instructional plan to be followed during the school year, together with an attestation by a licensed psychologist and a North Dakota certified teacher that the instructional plan is appropriate for the child.

**SECTION 21.** A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

**Children with autism - Home school - Progress reports.**

1. On or before November first, February first, and May first of each school year, a parent providing home schooling to an autistic child under section 20 of this Act shall file with the superintendent of the child's school district of residence progress reports prepared by a licensed psychologist, an occupational therapist, a speech pathologist, and a certified teacher. If at any time the licensed psychologist, the occupational therapist, the speech pathologist, and the certified teacher agree that adequate progress is not being made, they shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team.

2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction. The superintendent of public instruction shall provide a report and recommendations regarding the home schooling of developmentally disabled children with autism under this section and section 20 of this Act to the legislative council.

**SECTION 22. AMENDMENT.** Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal.**

1. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body.
2. The tenure of office of each superintendent is two years from the date of the superintendent's appointment, and the superintendent must possess qualifications required by this title. Any superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing the superintendent's inability or refusal properly to perform the duties of office, but a removal at a time other than a termination of the superintendent's two-year tenure may be had only after an opportunity is given to the person to be heard before a board consisting of the governor, attorney general, and supervising officer of the institution on preferred written charges. A removal when made, however, is final. This subsection does not apply to the superintendent of the school for the blind or the superintendent of the school for the deaf, whose positions are included in the classified service as provided in section 54-44.3-20.
3. The supervising officer shall fix the compensation of each superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for compensation.

**SECTION 23. AMENDMENT.** Section 54-24-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-24-01. State library - State librarian appointed by the superintendent of public instruction.** The superintendent of public instruction shall appoint an executive officer to be known as the state librarian, who shall report to the superintendent and must receive a salary within the amount appropriated for salaries by the legislative assembly. The state librarian shall control the work and is the director of the state library. The position of state librarian is included in the classified service, as provided in section 54-44.3-20. The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction.

**SECTION 24. AMENDMENT.** Subsection 3 of section 54-44.3-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Administrative heads of departments required by law, other than the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian.

**SECTION 25. EXPIRATION DATE.** Sections 20 and 21 of this Act are effective through June 30, 1999, and after that date are ineffective.

**SECTION 26. EMERGENCY.** Sections 20 and 21 of this Act are declared to be an emergency measure."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

### DEPARTMENT 201 - PUBLIC INSTRUCTION

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$42,732 (\$17,500 general fund, \$25,232 other funds) for risk management premiums. This amendment also reduces operating expenses by \$29,000 to reflect an anticipated reduction in the estimated cost of leases the Division of Independent Study will enter into for copiers and other equipment during the 1997-99 biennium. The amount included in the executive recommendation was approximately \$249,000 and the department estimates the cost will be approximately \$220,000. This amendment also reduces general fund appropriation authority by \$21,000 and increases other funds authority by the same amount to encourage the Division of Independent Study to consider increasing nonresident tuition rates to generate additional tuition revenue. This amendment also increases operating expenses by \$12,000 from the state general fund for a portion of the costs the department anticipates will be incurred relating to reissuing certain rules, as required by Senate Bill No. 2336. The fiscal note for Senate Bill No. 2336 indicates an anticipated cost of \$100,000 for the 1997-99 biennium.

This amendment adds the following grants:

Technology reimbursement payments (Reengrossed House Bill No. 1034 included \$3.8 million for technology reimbursement payments)	\$5,000,000
Educational Telecommunications Council	1,000,000
SENDIT	876,000

This amendment adds legislative intent relating to grants for technology and the SENDIT network.

This amendment also adds legislative intent relating to school lunch programs, Division of Independent Study tuition rates, position transfers to the Division of Independent Study, and a grant to the Leadership in Education Administration (LEAD) Consortium to develop cooperative training programs with the teacher learning centers. This amendment also increases other grants by \$25,000 from the state general fund for a grant to the LEAD Consortium.

This amendment provides that up to \$300,000 of the amount appropriated for foundation aid is to be used for payments to school districts for limited English proficient students, as provided by Senate Bill No. 2029.

This amendment requires the Superintendent of Public Instruction to obtain, from certain educational related groups, prior approval of any proposed changes to the credentialing process for special education teachers.

This amendment provides statutory changes relating to the classified status of the superintendent of the School for the Deaf, the superintendent of the School for the Blind, and the State Librarian.

This amendment also allows home school instruction for autistic children, encourages the United States Congress to increase the level of funding for the education of children with disabilities, and provides that a student's participation in school-to-work programs is voluntary.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE GENERAL FUND OPERATING AND INCREASE OTHER FUNDS FOR DIVISION OF INDEPENDENT STUDY	ADD GRANT TO LEAD FOR COORDINATING PROGRAMS WITH TEACHER CENTERS	ADD GRANTS INCLUDED BY THE HOUSE IN HB 1034	RESTORE FTE POSITION	RULEMAKING COSTS RELATING TO SB 2336	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$ 10,872,941							\$ (59,732)	\$ 10,872,941	\$ 10,872,941
Operating expenses	8,764,344	\$(42,732)	\$(29,000)				\$12,000		8,704,612	8,704,612
Equipment	766,520								766,520	766,520
Grants - Foundation	466,356,259								466,356,259	466,356,259
Grants - Revenue	3,100,000								3,100,000	3,100,000
Grants - Tuition	49,273,144								49,273,144	49,273,144
Grants - Special	40,550,000								40,550,000	40,550,000
Grants - Goals 2000	2,600,000			\$25,000	\$1,000,000			1,025,000	2,600,000	2,600,000
Grants - Other	122,915,847								123,940,847	123,940,847
Grants - Geographic	50,000				876,000				50,000	50,000
Grants - SENDIT								876,000	876,000	876,000
Grants - Technology					5,000,000 <sup>1</sup>			5,000,000	5,000,000	5,000,000
Grants - Technology										
reimbursement payments										
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
General fund	\$518,213,252	\$(17,500)	\$(50,000)	\$25,000	\$6,880,000		\$12,000	\$6,649,500	\$524,862,752	\$524,862,752
Other funds	187,038,203	(25,232)	21,000		196,000			191,768	187,229,971	187,229,971
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
FTE	134.45					1.00		1.00	135.45	135.45

<sup>1</sup> Reengrossed House Bill No. 1034 included a general fund appropriation of \$3.8 million for technology reimbursement payments. Reengrossed Senate Bill No. 2338 included a general fund appropriation of \$5 million for technology reimbursement payments.

DEPARTMENT 250 - STATE LIBRARY

CONFERENCE COMMITTEE - This amendment increases salaries and wages by \$81,921 of other funds for a librarian III position.

This amendment reduces grants by \$125,000 from the state general fund for the Vision 2004 library and information services strategic plan. The \$125,000 appropriation is also included in Engrossed House Bill No. 1035.

This amendment also reduces operating expenses by \$9,517 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ADD OTHER FUNDS AUTHORITY FOR LIBRARIAN III POSITION	REMOVE GRANTS FOR VISION 2004	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$1,876,280		\$81,921		\$ 81,921	\$1,958,201	\$1,958,201
Operating expenses	1,050,550	\$(9,517)			(9,517)	1,041,033	1,041,033
Equipment	22,500					22,500	22,500
Grants	<u>1,260,521</u>			\$(125,000)	<u>(125,000)</u>	<u>1,135,521</u>	<u>1,135,521</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$ (52,596)	\$4,157,255	\$4,157,255
General fund	\$2,936,210	\$(9,517)		\$(125,000)	\$(134,517)	\$2,801,693	\$2,801,693
Other funds	<u>1,273,641</u>		<u>\$81,921</u>		<u>81,921</u>	<u>1,355,562</u>	<u>1,355,562</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$ (52,596)	\$4,157,255	\$4,157,255
FTE	28.00		1.00		1.00	29.00	29.00

DEPARTMENT 252 - SCHOOL FOR THE DEAF

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$16,864 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$4,064,385		\$4,064,385	\$4,064,385
Operating expenses	930,822	\$(16,864)	913,958	913,958
Equipment	100,000		100,000	100,000
Capital improvements	<u>25,000</u>		<u>25,000</u>	<u>25,000</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343
General fund	\$4,588,329	\$(16,864)	\$4,571,465	\$4,571,465
Other funds	<u>531,878</u>		<u>531,878</u>	<u>531,878</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343

DEPARTMENT 253 - SCHOOL FOR THE BLIND

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$11,275 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$2,177,856		\$2,177,856	\$2,177,856
Operating expenses	663,429	\$(11,275)	652,154	652,154
Equipment	81,900		81,900	81,900
Capital improvements	<u>394,075</u>		<u>394,075</u>	<u>394,075</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985
General fund	\$2,360,193	\$(11,275)	\$2,348,918	\$2,348,918
Other funds	<u>957,067</u>		<u>957,067</u>	<u>957,067</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985