

PROPOSED AMENDMENTS TO SENATE BILL NO. 2162

Page 1, line 1, after "Act" insert "to provide for the reimbursement of certain reorganized districts; to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to contingent per student payments and proportionate payments for summer school programs;" and remove "subdivision a of"

Page 1, line 2, replace "and" with ", 15-40.1-07.3," and after "15-40.1-08" insert ", subsection 1 of section 57-15-14.2, and section 57-15-17.1"

Page 1, line 3, after "factors" insert "; and to declare an emergency"

Page 1, line 5, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 9, replace "twenty-nine" with "thirty-nine"

Page 1, line 11, replace "twenty-one" with "ten"

Page 1, after line 13, insert:

- "b. The superintendent of public instruction shall monitor student enrollments. If the superintendent determines that the student enrollment figures warrant an adjustment in the amount of educational support per student set forth in subdivision a, the superintendent shall make an adjustment and reflect the adjustment in the March foundation aid payment, the April foundation aid payment, and in the final remaining foundation aid payment distributed before June thirtieth of each year, as provided for in section 15-40.1-05.
- c. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
- e. d. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the ~~1991-92 school year or for the~~ first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.

- d. ~~e.~~ School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the ~~1992-93 school year or for the~~ first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited."

Page 4, line 14, overstrike "School districts offering high school summer school programs are"

Page 4, overstrike lines 15 through 22

Page 4, after line 22, insert:

"SECTION 3. AMENDMENT. Section 15-40.1-07.3 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-07.3. Per student payments - Reorganization of school districts.

1. If any school district receiving per student payments calculated under section 15-40.1-07 reorganizes with another school district under chapter 15-27.3 or 15-27.6 before August 1, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school student as each separate school district received for each high school student prior to the reorganization, for a period of four years.
2. If any school district receiving per student payments calculated under this chapter reorganizes with another school district under chapter 15-27.3 or 15-27.6 after July 31, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school and elementary student as each separate school district received for each high school and elementary student prior to the reorganization, for a period of four years.
3. The weighting factor for each district will be adjusted proportionately over a period of two years, following the period of time provided in subsection 1 or 2, until the adjusted weighting factor equals the weighting factor for the combined enrollment resulting from the reorganization.
4. Notwithstanding the provisions of any other law, no school district may receive less in per student payments for the first year of its reorganization than the total amount that the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization. If less than a whole school district participated in a reorganization, the superintendent of public instruction shall prorate the payments to which the newly reorganized district is entitled under this subsection.

"SECTION 5. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Contingent per student payments. If any funds appropriated by the legislative assembly to the grants-foundation aid and transportation line item remain after completion of the April first distribution in each odd-numbered year as provided for by section 15-40.1-05, the superintendent of public instruction shall distribute the funds as a separate and additional per student payment on a weighted basis as determined under chapter 15-40.1.

SECTION 6. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Summer school programs - Proportionate payments.

1. A school district that offers high school summer school programs is entitled to receive proportionate payments provided each course offered satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction.
2. A school district that offers remedial elementary summer school programs is entitled to receive proportionate payments provided the programs comply with rules adopted by the superintendent of public instruction.
3. The superintendent of public instruction may adopt rules regarding proportionate payments for remedial elementary summer school programs and high school summer school programs.
4. Proportionate payments made under this section during a biennium for summer school programs may not exceed one and one-half percent of the total amount appropriated by the legislative assembly for foundation aid and transportation aid during the biennium, or eight million dollars, whichever is less. No more than seventy-five percent of the amount made available under this subsection may be used to support high school summer school programs and no more than twenty-five percent of the amount made available under this subsection may be used to support remedial elementary summer school programs.

SECTION 7. AMENDMENT. Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. A school board of any school district may levy an amount sufficient to cover general expenses including the costs of the following:
 - a. Board and lodging for high school students as provided in section 15-34.2-06.
 - b. The teachers' retirement fund as provided in section 15-39.1-28.
 - c. Tuition for students in grades seven through twelve as provided in section 15-40.2-12.
 - d. Special education program as provided in section 15-59-08.
 - e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.

- f. A final judgment obtained against a school district.
- g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.
- h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.
- i. Unemployment compensation benefits.
- j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36], and any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
- k. Participating in cooperative vocational education programs approved by the state board.
- l. Maintaining a vocational education program approved by the state board and established only for that school district.
- m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.
- n. Establishing and maintaining school library services.
- o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.
- p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.
- q. Establishing, maintaining, and conducting a public recreation system.
- r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15-47-40.1.

SECTION 8. AMENDMENT. Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-17.1. Multiyear asbestos abatement and required remodeling levy by school district.

- 1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation

of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of ~~providing~~:

- a. Providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances;
 - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]; and
 - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsection 3, must be placed in a separate fund known as the asbestos abatement fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of asbestos abatement.
 3. All revenue accruing from up to five mills of the fifteen mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
 4. Any moneys remaining in the asbestos abatement fund after completion of the principal and interest payments for any bonds issued for any school asbestos abatement project and any funds remaining in the required remodeling fund after completion of the remodeling projects must be transferred to the general fund of the school district upon the order of the school board.

SECTION 9. REIMBURSEMENT - REORGANIZED DISTRICTS. In distributing per student payments for the 1997-99 biennium, the superintendent of public instruction shall ensure that no school district reorganized after June 30, 1997, and before the effective date of sections 1 through 8 of this Act receives less in per student payments for the first year of its reorganization than the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization.

SECTION 10. EMERGENCY. Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly