

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1344

Introduced by

Representatives R. Kelsch, Brusegaard, Monson

Senators Krebsbach, Wardner

1 A BILL for an Act to create and enact three new sections to chapter 15-40.1 of the North
2 Dakota Century Code or in the alternative to create and enact three new sections to
3 chapter 15.1-27 of the North Dakota Century Code, relating to the reimbursement of school
4 districts for increases in teacher compensation; and to amend and reenact subdivision a of
5 subsection 2 of section 15-40.1-06 of the North Dakota Century Code or in the alternative to
6 amend and reenact section 15.1-27-04 of the North Dakota Century Code, relating to per
7 student payments.

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

9 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective,
10 subdivision a of subsection 2 of section 15-40.1-06 of the 1999 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 2. a. The educational support per student ~~during for~~ the first year of the ~~1999-2001~~
13 ~~2001-03~~ biennium ~~must be~~ is two thousand ~~one~~ two hundred ~~forty-five~~
14 ~~forty-nine~~ dollars ~~and~~. The educational support per student for the second
15 year of the ~~1999-2001~~ 2001-03 biennium ~~the educational support per student~~
16 ~~must be~~ is two thousand two hundred ~~thirty~~ seventy-two dollars ~~and~~. The
17 educational support per student is the basis for calculating grants-in-aid on a
18 per student basis as provided in sections 15-40.1-07 and 15-40.1-08.

19 **SECTION 2.** If House Bill No. 1045 does not become effective, a new section to
20 chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

21 **Definitions.** For purposes of this Act:

22 1. "Compensation" includes all salaries, benefits, commissions, memberships, the
23 provision of housing, the provision of vehicles, and any other payments, in lieu of

payments, or services, reportable as gross income under the Internal Revenue Code.

2. a. "Teacher" means any individual who:

- (1) Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
- (2) Is employed by a school district on a full-time basis; and
- (3) Spends more than fifty percent of the individual's time providing classroom instruction.

b. The term does not include administrators, assistant or associate administrators, principals, assistant or associate principals, special education directors, vocational education directors, directors of multidistrict special education units, directors of area vocational and technology centers, and athletic or activity directors, unless such individuals meet the requirements of subdivision a.

c. The term does not include individuals employed as substitute teachers or individuals employed in positions for which licensure by the education standards and practices board or approval by the education standards and practices board is not required.

SECTION 3. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Claim for reimbursement.

1. On or before October first of each year or within thirty days after the conclusion of the negotiation process provided for in chapter 15-38.1, the board of a school district may file a claim with the superintendent of public instruction for the reimbursement of moneys to be expended by the district during the school year to increase the compensation of teachers employed by the district.

2. The claim must include:

- a. The number of full-time equivalent teachers employed by the district as of September fifteenth;
- b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and

c. The total amount of the increase in compensation.

3. For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand seven hundred fifty dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001.

For the 2002-03 school year, the reimbursement provided for in this section may not exceed three thousand five hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.

4. For purposes of this section, the claim of a district may include proportionate expenditures made by the district to compensate individuals employed as teachers by the special education unit or the area vocational and technology center to which the district belongs.

SECTION 4. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Distribution of reimbursement. The superintendent of public instruction shall distribute approximately one-sixth of the total amount to which each school district is entitled under this Act on or before the first day of each November, December, January, February, March, and May.

SECTION 5. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

15.1-27-04. Per student payment. The per student payment to which each school district is entitled for the first year of the biennium is two thousand ~~one~~ two hundred ~~forty five~~ forty dollars. The per student payment to which each school district is entitled for the second year of the biennium is two thousand two hundred ~~thirty~~ fifty dollars. The per student amount is the basis for calculating state payments to school districts, as provided in sections 15.1-27-06 and 15.1-27-07.

SECTION 6. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Definitions. For purposes of this Act:

1. "Compensation" includes all salaries, benefits, commissions, memberships, the provision of housing, the provision of vehicles, and any other payments, in lieu of

payments, or services, reportable as gross income under the Internal Revenue Code.

2. a. "Teacher" means any individual who:

- (1) Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
- (2) Is employed by a school district on a full-time basis; and
- (3) Spends more than fifty percent of the individual's time providing classroom instruction.

b. The term does not include administrators, assistant or associate administrators, principals, assistant or associate principals, special education directors, vocational education directors, directors of multidistrict special education units, directors of area vocational and technology centers, and athletic or activity directors, unless such individuals meet the requirements of subdivision a.

c. The term does not include individuals employed as substitute teachers or individuals employed in positions for which licensure by the education standards and practices board or approval by the education standards and practices board is not required.

SECTION 7. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Claim for reimbursement.

1. On or before October first of each year or within thirty days after the conclusion of the negotiation process provided for in chapter 15.1-16, the board of a school district may file a claim with the superintendent of public instruction for the reimbursement of moneys to be expended by the district during the school year to increase the compensation of teachers employed by the district.

2. The claim must include:

- a. The number of full-time equivalent teachers employed by the district as of September fifteenth;
- b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and

c. The total amount of the increase in compensation.

3. For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand seven hundred fifty dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001. For the 2002-03 school year, the reimbursement provided for in this section may not exceed three thousand five hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.
4. For purposes of this section, the claim of a district may include proportionate expenditures made by the district to compensate individuals employed as teachers by the special education unit or the area vocational and technology center to which the district belongs.

SECTION 8. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Distribution of reimbursements. The superintendent of public instruction shall distribute approximately one-sixth of the total amount to which each school district is entitled under this Act on or before the first day of each November, December, January, February, March, and May.