

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1145

Introduced by

Education Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact sections 15-40.1-07 and 15-40.1-08 of the North
2 Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-06 and
3 15.1-27-07 of the North Dakota Century Code, relating to the adjustment of weighting factors for
4 per student state aid payments to school districts.

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

6 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
7 15-40.1-07 of the 1999 Supplement to the North Dakota Century Code is amended and
8 reenacted as follows:

9 **15-40.1-07. High school per student payments - Amount - Proportionate**
10 **payments.** Payments must be made each year from state funds to each school district
11 operating a high school and to each school district contracting to educate high school students
12 in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

13 1. For each high school district having under seventy-five students in average daily
14 membership in grades nine through twelve, the amount of money resulting from
15 multiplying the factor 1.625 adjusted for the first year of the biennium by
16 ~~seventy-five~~ eighty-five percent of the difference between 1.625 and the factor
17 representing the five-year average cost of education per student for this category,
18 as determined by the superintendent of public instruction, times the number of high
19 school students in grades nine through twelve registered in that school district,
20 times the educational support per student as provided in section 15-40.1-06. The
21 factor is not adjusted for the second year of the biennium.

22 2. For each high school district having seventy-five or more, but less than one
23 hundred fifty students in average daily membership in grades nine through twelve,
24 the amount of money resulting from multiplying the factor 1.335 adjusted for the

first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference
between 1.335 and the factor representing the five-year average cost of education
per student for this category, as determined by the superintendent of public
instruction, times the number of high school students in grades nine through twelve
registered in that school district, times the educational support per student provided
in section 15-40.1-06. The factor is not adjusted for the second year of the
biennium.

3. For each high school district having one hundred fifty or more, but less than five
hundred fifty students in average daily membership in grades nine through twelve,
the amount of money resulting from multiplying the factor 1.24 adjusted for the first
year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between
1.24 and the factor representing the five-year average cost of education per
student for this category, as determined by the superintendent of public instruction,
times the number of high school students in grades nine through twelve registered
in that school district, times the educational support per student provided in section
15-40.1-06. The factor is not adjusted for the second year of the biennium.

4. For each high school district having a total high school enrollment of five hundred
fifty or more students in average daily membership in grades nine through twelve,
the amount of money resulting from multiplying the factor 1.14 adjusted for the first
year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between
1.14 and the factor representing the five-year average cost of education per
student for this category, as determined by the superintendent of public instruction,
times the number of high school students in grades nine through twelve registered
in that school district, times the educational support per student provided in section
15-40.1-06. The factor is not adjusted for the second year of the biennium.

5. For high schools having an approved alternative education program, the amount of
money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of students registered in the alternative
education program, times the educational support per student provided in
section 15-40.1-06, if the alternative education program has less than
seventy-five students in average daily membership.

- 1 b. Subsection 2 times the number of students registered in the alternative
2 education program, times the educational support per student provided in
3 section 15-40.1-06, if the alternative education program has seventy-five or
4 more, but less than one hundred fifty students in average daily membership.
5 c. Subsection 3 times the number of students registered in the alternative
6 education program, times the educational support per student provided in
7 section 15-40.1-06, if the alternative education program has one hundred fifty
8 or more, but less than five hundred fifty students in average daily
9 membership.
10 d. Subsection 4 times the number of students registered in the alternative
11 education program times the educational support per student as provided in
12 section 15-40.1-06 if the alternative education program has five hundred fifty
13 or more students in average daily membership.

14 Every high school district must receive at least as much in total payments as it would have
15 received if it had the highest number of students in the next lower category. Payments may not
16 be made unless four or more units of standard high school work approved by the
17 superintendent of public instruction are offered during the current year, only licensed teachers
18 have been employed, and the other standards prescribed by this chapter have been met.
19 Payments must be made to the high school district in which the student is enrolled for
20 graduation and units of approved vocational education in accordance with the provisions of
21 chapter 15-20.1, and other courses approved by the superintendent of public instruction,
22 earned in another high school district must be included to meet the minimum four required
23 units. In the case of students enrolled in nonpublic schools for graduation or students enrolled
24 in less than four units of standard high school work who are in their fourth year of high school
25 coursework and who are enrolled in approved alternative high school curriculum programs,
26 proportionate payments must be made to the public school district in which the student is
27 enrolled for specific courses.

28 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section
29 15-40.1-08 of the 1999 Supplement to the North Dakota Century Code is amended and
30 reenacted as follows:

1 **15-40.1-08. Elementary per student payments - Amount.** Payments must be made
2 from state funds to each school district operating an elementary school and to each school
3 district contracting to educate elementary students in a federal school, employing teachers
4 holding valid licenses in accordance with section 15-47-46 and chapter 15-36, adjusted as
5 provided in section 15-40.1-09, as follows:

- 6 1. For each one-room rural school, the amount of money resulting from multiplying
7 the factor 1.28 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five
8 percent of the difference between 1.28 and the factor representing the five-year
9 average cost of education per student for this category, as determined by the
10 superintendent of public instruction, times the number of students in that school in
11 grades one through eight in average daily membership, up to a maximum of
12 sixteen students, times the educational support per student provided in section
13 15-40.1-06. The factor is not adjusted for the second year of the biennium. There
14 must be paid .9 times each additional student in its school in grades one through
15 eight in average daily membership times the educational support per student
16 provided in section 15-40.1-06, except that no payment may be made for more
17 than twenty students in average daily membership. If the one-room rural school is
18 located in a school district with another elementary school, the weighting factor for
19 the students in grades one through six must be based on the average daily
20 membership in the district in grades one through six as provided in subsections 2
21 through 4. If the one-room rural school is located in a school district with another
22 school that has students in grade seven or eight, the weighting factor for the
23 students in grade seven or eight must be the same as that provided for in
24 subsection 5.
- 25 2. For each elementary school in school districts having under one hundred students
26 in average daily membership in grades one through six, the amount of money
27 resulting from multiplying the factor 1.09 adjusted for the first year of the biennium
28 by ~~seventy-five~~ eighty-five percent of the difference between 1.09 and the factor
29 representing the five-year average cost of education per student for this category,
30 as determined by the superintendent of public instruction, times the number of
31 students in that school in grades one through six in average daily membership in

each classroom or for each teacher, times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. The factor is not adjusted for the second year of the biennium.

3. For each elementary school in school districts having one hundred or more students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary students in grades one through six, the amount of money resulting from multiplying the factor .905 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. The factor is not adjusted for the second year of the biennium.

4. For each elementary school in school districts having an average daily membership of one thousand or more elementary students in grades one through six, the amount of money resulting from multiplying the factor .95 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. The factor is not adjusted for the second year of the biennium.

5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school having students in

grade seven or eight, there must be paid to each school the amount of money resulting from multiplying the factor 1.01 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. The factor is not adjusted for the second year of the biennium.

6. For each elementary school having students under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, the amount of money resulting from multiplying the factor 1.01 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of special education students in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06. The factor is not adjusted for the second year of the biennium.

7. For each elementary school providing a kindergarten that is established according to provisions of section 15-45-01, the amount of money resulting from multiplying the factor .50 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between .50 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in average daily membership in each classroom or for each teacher times the educational support per student, as provided under section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. The factor is not adjusted for

1 the second year of the biennium. The full per student payment may be made only
2 to those kindergarten programs providing the equivalent of ninety full days of
3 classroom instruction during any twelve-month period. Programs providing shorter
4 periods of instruction during the same time period must receive a proportionately
5 smaller per student payment.

6 The superintendent of public instruction shall make proportionate payments to each
7 public school district educating students who are also enrolled in nonpublic schools.

8 Every school district must receive at least as much in total payments for elementary
9 students as it would have received if it had the highest number of students in the next lower
10 category.

11 **SECTION 3. AMENDMENT.** Section 15.1-27-06 of the North Dakota Century Code as
12 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
13 amended and reenacted as follows:

14 **15.1-27-06. Per student payments - Weighting factors - High school students.**

15 The superintendent of public instruction shall make payments each year, as provided for in this
16 section, to each school district operating a high school and to each school district contracting to
17 educate high school students in a federal school, subject to adjustment as provided in section
18 15.1-27-21.

19 1. Each district having under seventy-five students in average daily membership in
20 grades nine through twelve is entitled to receive the amount of money that results
21 from multiplying the factor 1.625 adjusted for the first year of the biennium by
22 ~~seventy five~~ eighty-five percent of the difference between 1.625 and the factor
23 representing the five-year average cost of education per student for this category,
24 as determined by the superintendent of public instruction, by the number of
25 students in grades nine through twelve who are registered in that district, times the
26 per student payment provided for in section 15.1-27-04. The factor is not adjusted
27 for the second year of the biennium.

28 2. Each district having at least seventy-five but fewer than one hundred fifty students
29 in average daily membership in grades nine through twelve is entitled to receive
30 the amount of money that results from multiplying the factor 1.335 adjusted for the
31 first year of the biennium by ~~seventy five~~ eighty-five percent of the difference

between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium.

3. Each district having at least one hundred fifty but fewer than five hundred fifty students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor 1.24 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium.

4. Each district having at least five hundred fifty students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor 1.14 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium.

5. Each district having an approved alternative high school education program is entitled to receive the amount of money that results from multiplying the factor in:
 - a. Subsection 1 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if fewer than seventy-five students in average daily membership are enrolled in the alternative education program.
 - b. Subsection 2 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if

at least seventy-five but fewer than one hundred fifty students in average daily membership are enrolled in the alternative education program.

c. Subsection 3 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if at least one hundred fifty but fewer than five hundred fifty students in average daily membership are enrolled in the alternative education program.

d. Subsection 4 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if at least five hundred fifty students in average daily membership are enrolled in the alternative education program.

6. In order to be eligible for enumeration under this section, a student:

a. Must have completed the work of the eighth grade;

b. Must not have completed the work of the twelfth grade; and

c. Must be a resident of this state or a nonresident attending a school in this state under the auspices of a foreign student exchange program.

SECTION 4. AMENDMENT. Section 15.1-27-07 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:

15.1-27-07. Per student payments - Weighting factors - Elementary school students. The superintendent of public instruction shall make payments each year, as provided for in this section, to each school district operating an elementary school and to each school district contracting to educate elementary students in a federal school, subject to adjustment as provided in section 15.1-27-21.

1. a. Each district having only a one-room rural school is entitled to receive the amount of money that results from multiplying the factor 1.28 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.28 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through eight in that school, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second

- 1 year of the biennium. The payment level provided for in this subdivision is
2 applicable only to the first sixteen students.
- 3 b. If the one-room rural school has more than sixteen students in average daily
4 membership in grades one through eight, the district in which the school is
5 located is entitled to receive ninety percent of the per student payment
6 provided for in section 15.1-27-04 for each additional student. The district is
7 not entitled to any payment for more than twenty students in average daily
8 membership.
- 9 c. If a one-room rural school is located in a district having another elementary
10 school, the weighting factor for the students in grades one through six must
11 be based on the average daily membership in the district in grades one
12 through six, as provided in this section.
- 13 d. If a one-room rural school is located in a school district with another school
14 that has students in grade seven or eight, the weighting factor for the students
15 in grade seven or eight must be the same as that provided for in subsection 5.
- 16 2. Except as provided in subsection 1, each school district having fewer than one
17 hundred students in average daily membership in grades one through six is entitled
18 to receive the amount of money that results from multiplying the factor 1.09
19 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the
20 difference between 1.09 and the factor representing the five-year average cost of
21 education per student for this category, as determined by the superintendent of
22 public instruction, by the number of students in average daily membership in
23 grades one through six in the district, times the per student payment provided for in
24 section 15.1-27-04. The payment provided for in this subsection is applicable only
25 to the first twenty-five students in average daily membership per classroom or per
26 teacher. The factor is not adjusted for the second year of the biennium.
- 27 3. Each school district having at least one hundred students but fewer than one
28 thousand students in average daily membership in grades one through six is
29 entitled to receive the amount of money that results from multiplying the factor .905
30 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the
31 difference between .905 and the factor representing the five-year average cost of

education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through six in the district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium.

The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher.

4. Each school district having at least one thousand students in average daily membership in grades one through six is entitled to receive the amount of money that results from multiplying the factor .95 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through six in the district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium. The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher.

5. Each school district having students in grades seven and eight is entitled to receive the amount of money that results from multiplying the factor 1.01 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades seven and eight in the district, times the per student payment provided for in section 15.1-27-04. The factor is not adjusted for the second year of the biennium. The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher. The payments provided for in this subsection are not available for students who attend a one-room rural school if that school is the only one in the district that offers educational services to students in grades seven and eight.

- 1 6. Each school district having a special education program approved by the director
2 of special education is entitled to receive, for each student who is enrolled in the
3 program and who is at least three years of age but less than the compulsory age
4 for school attendance, the amount of money that results from multiplying the factor
5 1.01 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent
6 of the difference between 1.01 and the factor representing the five-year average
7 cost of education per student for this category, as determined by the
8 superintendent of public instruction, by the number of special education students in
9 average daily membership in the program who are at least three years of age but
10 less than the compulsory age for school attendance, times the per student
11 payment provided for in section 15.1-27-04. The factor is not adjusted for the
12 second year of the biennium.
- 13 7. a. Each school district operating a kindergarten as provided for in section
14 15.1-22-02 is entitled to receive the amount of money that results from
15 multiplying the factor .50 adjusted for the first year of the biennium by
16 eighty-five percent of the difference between .50 and the factor representing
17 the five-year average cost of education per student for this category, as
18 determined by the superintendent of public instruction, by the number of
19 kindergarten students in average daily membership in the district, times the
20 per student payment provided for in section 15.1-27-04. The factor is not
21 adjusted for the second year of the biennium. The payment provided for in
22 this subsection is applicable only to the first twenty-five students in average
23 daily membership per classroom or per teacher.
- 24 b. In order to receive the full per student payment available under this section, a
25 district must operate a kindergarten program that provides the equivalent of
26 ninety full days of classroom instruction during a twelve-month period. A
27 district is entitled to a prorated payment under this section if it operates a
28 kindergarten program of shorter duration.
- 29 8. Each school district that educates students who are also enrolled in nonpublic
30 schools is entitled to receive proportionate payments under this section.

- 1 9. Each school district is entitled to receive as much in total payments for elementary
- 2 students as it would have received if it had the highest number of students in the
- 3 next lower category.
- 4 10. A school district is not entitled to any payments provided for by this chapter unless
- 5 each teacher employed by the district:
- 6 a. Holds a teaching license issued by the education standards and practices
- 7 board; or
- 8 b. Has been approved to teach by the education standards and practices board.