

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1292

Introduced by

Representatives Kasper, Grande, Hawken, Koppelman

Senators Fischer, Wardner

1 A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota  
2 Century Code, relating to the education of English language learners; and to amend and  
3 reenact section 15.1-27-12 of the North Dakota Century Code, relating to per student payments  
4 for English language learners.

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

6 **SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Definitions.** In this chapter, unless the context otherwise requires:

9 1. "English immersion" means an English language acquisition process in which:

10 a. A student, to the greatest extent possible, is taught in English;

11 b. The curriculum is designed for an English language learner; and

12 c. All textbooks and instructional materials are in English.

13 2. "English language learner" means a student who:

14 a. Has a primary language other than English or comes from an environment in  
15 which a language other than English significantly impacts the student's level  
16 of English language proficiency; and

17 b. Has difficulty speaking, reading, writing, and understanding English as  
18 evidenced by a language proficiency test approved by the superintendent of  
19 public instruction and aligned to the state English language proficiency  
20 standards.

21 **SECTION 2.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Education of students - English language - Immersion.**

1. Each student attending a public school in this state must be taught in the English language.
2. If a student, through testing, is determined to be an English language learner, the student must be taught by means of English immersion.
3. A school district may place in the same classroom students who are of different ages but who have similar levels of English proficiency.
4. When a student, through testing, can demonstrate that the student is able to do regular schoolwork in the English language, the student must be transferred to a regular classroom. Each student must be tested at least once during the fall and once during the spring of each year. The parent of any student taught by means of English immersion may request an additional test during each school year.
5. This section does not apply to:
  - a. The teaching of foreign language classes to students who are not English language learners; or
  - b. The provision of special education and related services.

**SECTION 3. AMENDMENT.** Section 15.1-27-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-12. Per student payments - English language learners.**

1. In addition to any other payments provided for by this chapter, each school district is entitled to receive:
  - a. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 10.0 for each English language learner determined to have preliterate English language skills and a proficiency level of I;
  - b. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 8.0 for each English language learner determined to have beginning English language skills and a proficiency level of II;
  - c. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 4.0 for each English language learner

- 1 determined to have intermediate English language skills and a proficiency  
2 level of III; and
- 3 d. The per student amount calculated under subsection 5 for each English  
4 language learner determined to have basic English language skills and a  
5 proficiency level of IV.
- 6 2. In order to be eligible for assessment under this section, a student:
- 7 a. Must be at least five years of age but must not have reached the age of  
8 twenty-two;
- 9 b. Must be enrolled in a school district in this state; and
- 10 c. ~~Must have a primary language other than English or come from an~~  
11 ~~environment in which a language other than English significantly impacts the~~  
12 ~~individual's level of English language proficiency; and~~
- 13 d. ~~Must have difficulty speaking, reading, writing, and understanding English, as~~  
14 ~~evidenced by a language proficiency test approved by the superintendent of~~  
15 ~~public instruction and aligned to the state English language proficiency~~  
16 ~~standards~~ be an English language learner, as defined in section 1 of this Act.
- 17 3. In order to be eligible for the payment provided for in this section, a school district  
18 must provide an approved program of ~~instruction~~ English immersion, as defined in  
19 section 1 of this Act, for students who have preliterate English language skills,  
20 beginning English language skills, intermediate English language skills, or basic  
21 English language skills.
- 22 4. a. In order to receive the full payment provided for in this section, a school  
23 district must assess each eligible student using a proficiency test that is  
24 aligned to the state English language proficiency standards and the state  
25 language proficiency test.
- 26 b. On or before December first of each year, a school district shall submit to the  
27 superintendent of public instruction an application for payment. The  
28 application must include:
- 29 (1) A description of the district's English ~~language learner~~ immersion  
30 program;

- 1                   (2)    The result of the district's annual student assessment required under
- 2                               subdivision a; and
- 3                   (3)    Any other information requested by the superintendent of public
- 4                               instruction.
- 5           5.   a.   Each year of the biennium the superintendent of public instruction shall
- 6                               calculate the total weighted number of students eligible for payment during
- 7                               that year by determining the sum of all English language learner students
- 8                               weighted as follows:
- 9                               (1)    Ten times the number of level I students;
- 10                              (2)    Eight times the number of level II students;
- 11                              (3)    Four times the number of level III students; and
- 12                              (4)    The number of level IV students.
- 13           b.   The superintendent of public instruction shall determine the per student
- 14                               amount used to calculate payments under this section during the first year of
- 15                               the biennium by dividing the total weighted number of students eligible for
- 16                               payment under this section into forty-nine percent of the total amount
- 17                               appropriated for this section.
- 18           c.   The superintendent of public instruction shall determine the per student dollar
- 19                               amount used to calculate payments under this section during the second year
- 20                               of the biennium by dividing the total weighted number of students eligible for
- 21                               payment under this section into fifty-one percent of the total amount
- 22                               appropriated for this section.
- 23           6.   The superintendent shall distribute the payments no later than May thirtieth of each
- 24                               school year.