2009 HOUSE EDUCATION

HB 1400

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1400**

House Education Committee

☐ Check here for Conference Committee

Hearing Date: **26 January 2009**

Recorder Job Number: 7720 and 7738

Committee Clerk Signature

Minutes:

Chairman Kelsch opened the hearing of HB 1400. As a sponsor and member of the Commission, she introduced the bill. I stand before you today to introduce HB 1400. For those of you that were in the 2007 session, you will remember that it was an historic year for education. Not only did we pass an historic amount of funding but we also passed an historic equity funding formula. That was the first step to move North Dakota forward to make our education system the best it can be. Today I stand before you with HB 1400 which is another step forward for education in the state of North Dakota. During the last interim the Commission on Education Improvement has worked tirelessly to define adequacy. And for those of us that serve on the Commission and thought that defining equity was going to be difficult, we had no idea how difficult it was going to be to define adequacy for our children in the state of North Dakota. I think that the product that you have before you today is a great step forward. What we have produced in HB 1400 will challenge our North Dakota students to not only be the best in North Dakota and the US, but to be the best globally. We have also implemented changes so that we can keep, retain and attract the best and brightest teachers for our state. There are lots and lots of great components in HB 1400. Perhaps the bill isn't in its final form, but I know that this Education Committee in their wisdom and with the work

that they put into the equity funding bill, SB 2200, I will end with a great product that will benefit the children of North Dakota. I ask that you put a favorable recommendation on HB 1400.

Senator Tim Flakoll, District 44, member of the Commission: The overarching objective of HB 1400 is to take our educational system from good to great. It is an historic bill that is designed to produce increased performance at all levels of ability. We need to challenge the person who is the high achiever who has an off the chart IQ of 140 as much as we challenge the student that has a "C" average as much as we challenge the student at the other end of the spectrum. It will provide an incentive for students to improve their performance and increase our graduation rates. We have worked with national experts to determine which investment of tax dollars will yield the highest performance boost for each dollar invested and have incorporated those in HB 1400. I feel that the areas we have focused on will not only improve performance but will be areas where performance can rapidly occur in making those changes. To improve performance we have added mentors and tutors to insure that students of all achievement abilities, when they hit soft spots, have the backing they need to be successful. We have increased counselors and added another group called career advisors to help insure that our children are both college and work ready. To improve performance we have increased out weighting factors for such areas such as English language learner students and added a new category providing funding for the third most severe ELL level. Overall the plan will cover an additional 2,000 ELL students than our current law has. It will increase support by 55% over our current funding level. We have increased special education weighting factors and added a new "at risk" factor with a category weighting factor of .05 that will cost about $10 million. We have added $2.6 million for REAs, $5 million new additional dollars for transportation, giving that greater equity, and have included a provision of $10 million for our deferred maintenance plan that has the same triggers that we had last session. HB 1400 will

lead us to improve performance, due in part, the curriculum changes that are being proposed. We have a new merit diploma that is designed to make students successful in the workplace and in college. The curriculum plan also calls for an "opt out" provision which provides students with a light at the end of the tunnel by giving them more flexibility. As part of our curriculum discussion we have added scholarship certificate incentive program for both career and technical education students and for those looking for an academic scholarship and generally headed for a 4- or 2-year campus with an academic focus. With that plan the eligible students can receive up to $6.0 over a period of four years or $750 per term. We are in an international education and jobs battle. We cannot take on the battle with antiquated tools or complacency. We must make vigorous efforts to go from good to great.

Representative David Munson, District 10, member of the Commission: The governor's commission has worked very hard for the past two years. I was one of the four legislators that served on this commission. In 2007 we did the equity portion—that was the first step. HB1400 now addresses the adequacy of our education system. Not just the adequacy of funding, but the adequacy of our programs and curriculum. This bill along with SB 2199, the property tax companion bill, will provide enough state funding to reach the 70% funding level that we have been striving to reach for years. This bill also addresses increased rigor in our state's curriculum, it adds some new programs we haven't funded before, and sets up some pilot programs. We hired a couple of consultants to provide us with a road map to put this bill together and it is very comprehensive. It covers all ages, all students, and all abilities. This is a pretty good bill but I know you will put some work in to it to make it a great bill and send it over to the Senate. I think this is a great step forward.

Senator David O'Connell, District 6, member of the Commission: As you well know, success is never final, but failure is and failure is one thing we don't want for our students. A

lot of work has been put in to this bill. They will be some tweaking here and there. We all live under the same sky, but we all have different horizons. I think you will see a lot of different horizons before you get done with bill.

Senator Ryan Taylor, District 7: Thank you all for the condolences regarding my mother's passing. Mother went to country school at Red Cross #1 north of Towner and graduated from Towner HS in 1950. Education was always very important to her. I have reviewed this adequacy bill and agreed to sign on as a co-sponsor. I think there are a lot of good things in this bill. Perhaps there are enhancements and adjustments that need to be made. I think our rural schools will need to work out how we get our career development advisors shared amongst some schools—possibly with the REAs. I think it is definitely a step in the right direction. The weighting factor for school lunch kids as we realize the socio-economic status, certainly challenges our schools in the performance those children make. Even in Towner, there are three children that started head start with my son that do not speak English. They are coming along very nicely. I look forward to this bill moving through the process and seeing it in our Senate Education Committee with maybe some enhancements in transportation. I look forward to us advancing education for all children from country schools to Fargo District 1.

Representative John Wall, District 25: Although not a member of the Commission, I followed the process throughout the interim. I applaud the efforts. I believe the bill is well crafted and embodies most of the concepts the Commission was assigned to study. With additional input from school leaders and others, I believe HB 1400 will be an important instrument which improves education in ND for all students.

Representative Phil Mueller, District 24: You have before you an important bill—one of the signature bills of the 61st Assembly. How are we doing with education in ND? Probably not that badly when you look at our test scores—SATs, ACTs, and other national norm tests, we're

doing okay. We're average, maybe a bit above average in some cases, but I think the question that this committee and all other committees need to take a good hard look at is, is that good enough? We have pressures from all kinds of places, more outside of this country than inside this country to be better than we ever have been before. We made changes in the last session. We did some things regarding equity that we had to do. I think that was the right thing to do. This session is about adequacy—giving our students the best chance for academic excellence that they can possibly receive. There is the old adage that if you do what you have always done, the chances of a different outcome aren't very good. That's what HB 1400 is all about. With more professional staff development, teacher mentors, tutoring, more counseling, career counseling and the host of other things in the bill will improve readiness for college and the workplace. If we do not try and make a good solid effort to raise the bar, we will certainly never know. We owe North Dakota's young people that effort and we owe them that opportunity.

Dr. Wayne Sandstead, state superintendent of Public Instruction, and member of the Commission, spoke in favor of the bill. **(Attachment 1)**

M. Douglas Johnson, executive director, ND Council of Educational Leaders, spoke in favor of the bill. **(Attachment 2)**

John Martinson, State School Boards Association: The goal in this bill is to enhance and improve student achievement. We are certainly all in favor of that. We expect there will be no unfunded mandates in order to accomplish that.

Dakota Draper, president, ND Education Association, testified in favor of the bill. **(Attachment 3)**

Paul Stremick, superintendent of Dickenson, Public Schools, testified in favor of the bill. **(Attachment 4)**

Lt. Governor Jack Dalrymple provided general remarks about the formulation of the policy in HB 1400. He then went through the bill and briefly described each section. **(Attachment 5)** Also distributed by his office was a worksheet with curriculum requirements marked **Exhibit E.**

Representative Hunskor: As I understand, the funding formula is basically the same in 1400 as it was in 2200. The line item addressing equity continues?

Lt Governor Dalrymple: That is a fair statement although some changes have significant effects on some schools. For instance, the transportation payments have an effect on the small rural schools. Increasing the compounding of the weighting factors by the school size becomes an additional benefit to small rural schools. There are various things built into those changes.

Representative Hunskor: The purposed of the bill is to provide the best education possible. We have heard that over and over. In many cases, we go back to 2200 and due to a variety of reasons, including declining enrollment, funding received by small rural schools under 2200 made it difficult to pay their bills and give their students the best education possible. What can we do to help those schools give their kids the education they deserve? One of the items that you addressed is transportation. Is that good enough? What can be done to help these small rural schools? One thing I noted is that city buses have increased about .30 and rural payments have not increased. Can you address that issue?

Lt. Gov. Dalrymple: The small rural school with declining enrollment has a challenge. There is no question about that. The Small School Association came before the Commission and testified that their higher priority for this session was improved reimbursement for transportation. That is why we are recommending an additional $5 million. As far as the change in the large bus rate, I would say 90% of the financial benefit of that increase does go to rural schools. City schools simply don't have the mileage to be impacted. Overall, what

can we do if you want to do more? It's true that you will not see anything in this bill that addresses declining enrollment. We do have a per student funding formula. That has been found to be a valid approach to funding schools, along with various weighting factors. Therefore, we have not added a special provision to address declining enrollment. If you wanted to do more for rural schools, you could look again at transportation which is a very direct way to assist rural schools. You can also look again at the minimum guaranteed increase.

Vice Chairman Meier: In the Commission's discussions, did you discuss additional funding for Head Start?

Lt. Gov. Dalrymple: We were aware of the possible increased funding from Washington. Our focus was on how do we fit into the puzzle as a state entity and not take in to account what everyone else was doing. It was a different role for the state—being a partner in a team type of approach in the program.

Representative Kelsh: Do you have any idea of what the real cost of a bus is?

Lt. Gov. Dalrymple: That is a rapidly moving figure. Do you want me to base it on $4 diesel or $1.50 diesel? We can get some actual figures on that. Obviously, $.81 per mile doesn't come anywhere near the actual cost.

Representative Mueller: In Section 23, if we fund $3 million in property tax relief, this section is essential. Does this section also provide for that time when we aren't able to fund property tax relief?

Lt. Gov. Dalrymple: In general, the plan of mill levy reduction put before the Senate is the product of the formula committee of the Commission. It is totally compatible with our existing school funding formula. It buys down local mils and creates a greater equity in taxation at the local level. All taxpayers in ND would end up paying between 100 – 110 mils of local general

fund levy. As far as the district itself is concerned, that can flex up or down and has no effect on the actual school budget. It is relief program for the property tax payer. If that measure would disappear overnight, that burden would fall back to the taxpayer as it is today.

Representative Rust: I am concerned with small schools as well. Another concern deals with Section 13. When you talk about a high school in a bordering state, are those students who live in ND but are educated in a neighboring state? Is that a reciprocity high school student or a reciprocity college student?

Chairman Kelsch: That section of code is for high school students. It would not apply to a student going to an institution of higher education.

Representative Rust: I would find it disturbing if we were giving scholarships to other state's students to come to our colleges.

Representative Heller: Last biennium there were three schools that missed by a few points. In this bill will we take into account those schools? Is anything open to this?

Lt. Gov. Dalrymple: The requirement still exists here that is carried over from the last session laws that a district needed at least 150 mils for taxable year 2008. If you don't like that, it's sure open for discussion. As far as doing anything retroactively, I have no idea if anyone is interested in doing that. There was one district that missed it by a fraction of a mil.

Janet Welk, executive director of the Education Standards and Practices Board, testified in favor of the bill. **(Attachment 6)**

Paul Johnson, superintendent, Bismarck School District, spoke in favor of the bill. **Attachment 7)**

Martin Schock, superintendent, Elgin/New Leipzig/Carson: I worked in small schools for 31 years and I am also proud to serve on the Governor's Commission for Education Improvement. This legislation may not be the best thing since sliced bread, but its close.

The aroma of fresh-baked bread is beginning to become evident. A lot has changed in education in recent years. Educational finance needs to change along with it. We all need to be singing off the same page. The work of the Commission has solidly begun that process, allowing educational professionals and governmental officials to discuss issues and reach some common ground. That's what the Commission's report and this legislation can do. It is beginning to draw large and small schools closer together, fostering the common goal of delivering the best possible education for ND students. With so many small schools in ND we need to be careful to slice the bread equitable yet adequately so no students are left behind. Let's keep that aroma of fresh-baked bread alive. Make the changes necessary to minimize the political fallout that can only hinder the advancement of educational opportunities for North Dakota students. Let's give them our best by starting with a good foundational legislation in HB 1400. I urge your support.

Chairman Kelsch: Perhaps we should have fresh bread brought in today—then we really could have gotten the aroma going! I truly appreciate the fact that we had so many superintendents in the room today. I think it extremely important that you could hear first-hand the introduction of the bill. If you have thoughts or suggestions, please share those with me through email. The bill needs to be out of this committee by February 5 so we will be working on any changes we feel necessary to move this bill forward. That completes the testimony of those on the Commission and the bill sponsors. Now I would like to open it to public comment. We will also continue from 2 to 3 this afternoon. I am asking for testimony in support for HB 1400.

Wendy Sanderson, representing Dakota TESL (Teachers of English as a Second Language Learners): (Attachment 8) recommendations on the Commission's report))

We do have questions and concerns about the bill where it pertains to English Language

Learners—what is proficiency, how is it assessed, who qualifies for services, what kinds of services are in there, what is an ILP, IEP, how much ELL do we have in ND. There are over 5500 ELL students in ND and how do we identify them and fund programs. It is our concern that in the initial studies, Picus and Associates did not confer with ELL experts before issuing their report. As a result, we do not feel the Commission had the necessary information on ELL that they needed to make equitable decisions based on research and best practices. One of the things we are concerned about is the six levels of proficiency. It is difficult to correlate those six categories to the three categories in the bill. Also, is it cheaper to provide services to a student at a higher English proficiency level than one at a lower one—not necessarily? In this bill, intermediate level students would receive an increase of a $1.90 in instruction. The funding is not there and HB 1400 does not provide it. All districts, regardless of size, are required to provide services to their ELLs. Many of them are out of compliance because they do not provide services or they are underfunded and as a direct result—understaffed. I believe we would be better off basing funding on the progress that ELL programs make. If, however, levels are to determine funding, that funding needs to be distributed more equitably among the levels realizing that it takes as much to educate at level 3 as level 1. ELLs at all proficiency levels should be part of that equation. If you have questions or concerns when drafting legislation that pertains to our programs, contact Dakota TESL. I would love to have the opportunity to meet with you to make a difference to assure equitable, sustainable, ELL programming for all North Dakota students who qualify. We believe this bill could be changed to provide more for all ELL students.

Chairman Kelsch: ELL was a discussion that we had several times at the Commission meetings. Those were public meetings. Were you interested to come in to appear and give your recommendations regarding ELL?

Sanderson: I have just been elected president in October I really wasn't aware of what was going on as far as the legislative end things. Our last president was from South Dakota. It is my desire to really become an advocate for ELL education in ND now that I'm president of the organization. So please involve me.

JoAnn Brager, vice president of public policy, ND Association for the Education of Young Children, testified in favor of the bill. **(Attachment 9)** She advocated pilot projects and provided proposed amendments to Sections 21 and 30.

Chairman Kelsch: Your recommendation was a pilot project and that each district needs to establish an early childhood committee.

Brager: Each school that wants to provide public free kindergarten would have a community based pilot project. As part of that project would have an early learning council to provide inclusiveness. What the project would look like would be different depending on the programs already in place.

Roxane Romanick, representing herself as a parent of a child who has special needs, spoke in favor of the bill. **(Attachment 10)**

Kristi Voeller, principal of Martin Luther School, on behalf of the State Association of Non-Public Schools, spoke in favor of the bill. **(Attachment 11)**

Vice Chairman Meier: When you talk about a representative to committees, councils, etc., how many representatives are you considering?

Voeller: We are asking for at least one or if not possible at least those people who do serve represent non-public schools.

Joe Sykora, business manager at West Fargo Public Schools, spoke in favor of the bill, but pointed out several areas of concern and provided possible solutions. **(Attachment 12)**

Chairman Kelsch: What is West Fargo's current mil levy?

Sykora: 185

Chairman Kelsch: I'll ask the same question I asked before. We the Commission met in Fargo, did you come forward and bring these concerns to the Commission when they working on the funding formula and some of the anomalies that happened during the last legislative session?

Sykora: I'm not sure when you met in Fargo. I did contact several colleagues on the Commission regarding the transition maximum and how that was detected. Part of the issue is that when the bill was put together in the last session, some of those calculations were difficult to calculate because the state per pupil payment was not known when the bill was approved along with the weighted student units the next year. It was the total payments of 06-07 divided by the weighted units of 07-08. Those figures were not confirmed until November of that year. That's when DPI certifies our weighted units and our ADM even though the report is submitted in June.

Chairman Kelsch: If we did fund what you call a shortfall of over $7 million, what would that do to equity in the funding formula? How would that move through the formula and how would it affect equity in the formula?

Sykora: I believe it would enhance equity as it would guarantee a minimum per pupil amount for all districts which has been in place since the inception. Every student across the state, regardless of location, would be guaranteed a minimum dollar amount per student.

Representative Kelsh: What was the thinking behind the payment that only went up $170 the first years of the biennium and $454 the second year.

Chairman Kelsch: The new programs don't kick in until the second year of the biennium. It is to allow the districts to prepare the first year and in the second year those programs start.

Chairman Kelsch adjourned the meeting until 2 o'clock.

2 p.m., HB 1400, Continued.

Chairman Kelsch called the Committee back to order. She asked for further testimony in support of HB 1400.

Donette Rasmussen, president of the ND School Counselor Association, provided testimony. **(Attachment 13)** Some concerns regarding qualifications of career advisors, counselor position requirements, Career advisor duties, were listed.

Representative Mueller: Your points are well taken. Do you see value in having a background in business as the bill calls for?

Rasmussen: There are some parts of career advising where it would be helpful. It's nice to bring those people in as resources. I'm not sure they are the people who should be advising regarding assessment and those kinds of things. They are a wonderful resource in setting up career fairs and internships. I think a school counselor deals with the whole child more than the person in business.

Chairman Kelsch: You may have some information on this question. In a typical school setting, in high school, about what percentage of the counselor's time is spent on social issues versus career counseling?

Gail Nelson, high school counselor at Jamestown: There is such overlap in what we do. I would a good half of my day is spent dealing with personal social issues. We spend a good 1/3 of our time doing the career domain. I do what it takes to get the job done. We are blessed in that our district is very supportive of counselors and have come up with creative ways for us to have those one-on-one meetings. I thank my school board and administrative for supporting a 9th grade transition meeting where ½ hour is spent with each incoming freshman and their parents where we talk about the whole child. What are their academics like? What can we expect in high school? We cover the latest job service information. We

cover different kinds of career tracks that might be there for them. We talk about the college prep diploma. Sometimes those meetings go to an hour if we see a student coming in that might have some special needs we need to look at. Every day is different. We don't know what a kid is going to come to us with. We have the flexibility to change. We meet with every outgoing senior and have a transition meeting again going on to that next level. You do what you have to do to get the job done. We do have a lot of problems that overlap. Someone says they don't want to go to college, but it leads to "my dad lost his job."

Rasmussen: Our guidance program in the high school is more careers related. We instruct the whole class and it is more careers related.

Barb Arnold-Tengesdal, assistant professor of Education, University of Mary, spoke on behalf of the bill. **(Attachment 14)**

Michel Hillman, vice chancellor for Academic and Student Affairs, ND University System, testified on behalf of the bill. **(Attachment 15)**

Wayne Kutzer, director of the Department of Career and Technical Education, provided testimony in support of HB 1400. He provided some suggested amendments to the bill as well as descriptions of duties, and training. **(Attachment 16)**

Representative Mueller: Why did you strike "a" and "b" under the certificate qualifications.

Kutzer: Instead of putting it into law that would be in our teacher certification policies.

Representative Mueller: How would you see those differing?

Kutzer: I don't see that they would be. It's just that 4 or 5 years down the road and something is not working, we could make those changes without legislation.

Chairman Kelsch: I received an email from an individual at Workkeys. He proposed an amendment that laid out pre-assessment. He suggested a score of 15. I asked him and he

hasn't replied yet, was this a cumulative 15 meaning that a score of 5 on each or 7 on one, 3 and 5?

Kutzer: The gold standard is a 5 on each one.

Sharon Hanson, director, Community Action Partnership Head Start, spoke in favor the bill. **(Attachment 17)**

Allison Johnson, program director for Mayville State University Child Development Programs, spoke in favor of the bill **(Attachment 18)**

Representative Mueller: You and a number of speakers before you have talked about pilot programs. The general structure of the bill does not lend itself well to that. Why do we want to do that versus what the bill is talking about?

Johnson: Pilot programs give us the opportunity to get it right the first time. It is critical that when you are putting together your pre-school program that you involve all the stakeholders in your community. It takes time to align those. Design those programs so they are strong and quality programs. You look at all those important factors before just jumping right in. It does take time to plan those.

Representative Mueller: If we were to do that, it would require some restructuring here. How would that work? Would it be a granting a program or how do you envision it working through the department.

Johnson: There are different ways to do that. The granting program would be an excellent way to do that. I agree to put the money in the DPI. It's assuring that the stakeholders come together and figure out some type of plan. I don't want to say one program would be better than the other. A pilot program would give us an opportunity to carefully plan so we get it right the first time.

Jeb Oehlke, representing the ND Chamber of Commerce, testified in favor of the bill.

(Attachment 18)

Not present, but providing written testimony in support of the bill:

John Jankowski, superintendent of St. Mary's Central High School. (Attachment 19)

Opposition to HB 1400:

Sandy Clarke, ND Farm Bureau. Our members are parents and our members are taxpayers. I want to make clear in the beginning that our organization does not have policy on most of the items in HB 1400. We do have a vested interested in education. We want our students to excel and we do need to raise the bar. We do want to stand in opposition to the provision of the state-funded pre-school program. Our policy is that pre-school and day care should be privately funded. Our position is not against day care. We love our children and we love everyone else's children. We do think pre-school and day care should be privately funded not government funded. The issue is cost and impact that it has on property taxes. There is a real bonding between parents and children as they learn at an early age. We think that is important. More importantly, the state struggles to secure enough funding to adequately provide funding for 1 – 12 grades without expanding the base. Kindergarten was optional to the school and voluntary to the parents. I think you will see a bill this session that makes kindergarten compulsory. We question if pre-school will be the same. We started kindergarten and immediately we say school say we have more enrollment, we need to build new schools. The taxpayer ends up paying the bill for the new schools. To increase the enrollment is fine, but we're not sure we have to go to that young an age to get it. At a time

when taxpayers want property tax relief, we are expanding programs that over time are going to increase our property taxes.

Janet Edlund, superintendent of Dakota Prairie School District. We are a consolidated school district covering 900 square miles. Our earliest child gets on the bus at 20 min to 7 in the morning for a school day that starts at 5 min to 9. I do not speak in opposition to HB 1400. I speak in opposition to the pieces of the bill that don't meet the needs of a district such as Dakota Prairie. The first thing is transportation. If any of you live in small or rural communities, at the end of the day you have been gravel roads and bumpy roads. Our tires don't last as long. Our engines don't last as long. We have 8 routes that range from 100 to 120 miles each. Last year at the height of the fuel cost, we were spending $10,000 per week on diesel. The increase would be 10% for us. It was asked before what is the cost per mile. The finance committee in February 08 said the average cost of transportation for school districts was $1.72 per mile. This increase does not even touch half the cost of transportation for us. Transportation is about 20% of our budget. Coming together has meant we have expenses in our district unlike anywhere else. Foreign language: we currently teach German but have had a Spanish position open for 2 ½ years and have been unable to fill that. If you can find me a Spanish teacher, I'd be glad to hire that teacher. The problem is not the requirement; it is access to qualified teachers. Scholarships: I love the idea that we are providing opportunity for our students. I'm opposed that my daughter who may choose to attend the technical college in Northland because the program is not available in ND does not have access to that scholarship, but a student from East Grand Forks who attends UND does.

Chairman Kelsch: The reciprocity is for high school and if they go to Montana and are ND residents they are eligible. If they are from East Grand Forks they do not qualify.

(Further discussion and clarification of reciprocity.)

Edlund: Career counseling: we have 250 students in our high school but we still have 1.66 FTE counselor. We spend a lot of money on each of our kids. Our career counselor is embedded in our K-12. Professional development: we already have 4 days professional development. That's an additional cost per student. There are pieces of this bill that are for large population districts that do not fit districts like Dakota Prairie which is a large district in land mass and a smaller student population.

Chairman Kelsch: What is your school population?

Edlund: We have 266 students in K – 12. We have the high school in St. Petersburg which is 26 miles from our elementary school. We have 153 in high school. In the last 10 days we are up 6 students. We have an embedded head start program in our building. We provide a room and a para. We have seen wonderful gains in student progress.

Chairman Kelsch: Which REA do you belong to? Have you approached them about a Spanish teacher?

Edlund: Grand Forks. We would have access by ITV, but our school board is adamant that our students speak the language and communicate some effectiveness before they graduate.

There being no further testimony, Chairman Kelsch closed the hearing of HB 1400.

2009 HOUSE STANDING COMMITTEE MINUTES

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House Education Committee

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Hearing Date: **February 4, 2009**

Recorder Job Number: 8715

Committee Clerk Signature Jan Prudden

Minutes:

Chairman Kelsch called the Committee back to order. We are going to walk through HB 1400. The amendments are not completed yet. We will talk about the changes in the bill. I passed out the information that the guidance counselors had passed at their meeting. It was a recommendation to interchange the career counselor/guidance counselor sections. Because that information was not presented in a hearing, I told them it might be best if we looked at that on the Senate side so it could be discussed in an open hearing rather than us just adding that information. It is a little frustrating because all of this information has been out there for about 18 months and we never got input from them.

Section I, won't change the gist of it.

Section 2, allows CTE to grant professional certification for a career advisor

Section 3, changes the requirements of the school calendar, no changes to make.

Representative Myxter: If your school already has the required, do they have to add more?

Chairman Kelsch: No, and we do have school districts that exceed that. All they have to do is make sure they have their 174 days of instruction.

Section 4. One of the recommendations is that if a school district could not hire a career advisor, they would have to hire a career counselor in order to meet the requirement of 1/3 of a counselor position. That was a concern that I had because one of the things we are

seeing in some of small school districts is that is very difficult for them to get counselors just based on having to have a masters and everything else in the pay grade. I think a lot of these school districts may not have a counselor and it would be beneficial for them even if they just had a shared resource. The career advisors were something that was extremely important. So often what we hear from the business community is that they want to make sure that kids know what opportunities are available to them. The feeling is that a lot of these career opportunities are not being shared with the students partly because counselors have a lot of social issues that they are addressing instead of the career advising.

Representative Kelsh: Is a career advisor someone who could not have any education qualifications? Could it be a welder? A construction worker? Does it have to be an educator?

Chairman Kelsch: The requirements are that they have to have a baccalaureate degree, have at least 5 years of employment history and successfully holding the department's programmatic requirements, and a teaching certificate. We did not do any changes to that. We had long discussions on how to craft the career advisor so that they were credible individuals and that they would be able to advise on careers.

Section 5, there is a bit of an issue with the language "career developing curriculum" it's the curriculum verbiage that's causing a little angst. The way I understand what the career advisor would do is that they would talk to the student about if their assessment showed strongly in math, that they should take a lot of math. Potentially they would be looking at engineering or certain fields that have strong math backgrounds. The career advisor wouldn't necessarily be the person that would give you a sequential career developing curriculum. Curriculum is determined by a school district, not by a career advisor. Changing the language

a bit there to make sure the point is made that we want them to advise them as to the course of study they should take, but it's not to develop a curriculum.

Representative Mueller: We have heard about the counsel from those that counsel. I think it's important that when that discussion occurs to have reference to lines 7-9, the implication is there that the counselor runs the boat.

Section 6, requires a student performance strategist and that is defined.

Representative Kelsh: Would this imply that a district could share that performance strategist.

Chairman Kelsch: Absolutely they could share.

Representative Myxter: It says they must have elementary qualifications, but may be paid off the salary schedule.

Chairman Kelsch: They are paid off the salary schedule.

Representative Johnson: On line 9, "under the supervision of the school district counseling staff." Can they work under the REA counseling staff?

Chairman Kelsch: It is my understanding that there are some school districts that are sharing with the REAs under contract.

Section 7, provides state funds into the funding formula for the REAs. Last session we used contingency funds and in doing that the REAs didn't get all of their money.

Section 8, requires that each school district adopt a professional development plan and submit a copy of that to the superintendent.

Section 9, changes the requirement for foreign/native language courses to be offered in high school from 2 to 3 units.

Representative Rust: Did you get a lot of information from administrators?

Chairman Kelsch: Yes, we did. We had a lot of information on that and we went back and forth and finally came up with the 3 units and that 2 had to be of the same language. The reason we did that is so many of the campuses are now requiring that a student have a foreign language and we felt that if you are going a foreign language, you should at least 2 year so you have a good strong basis going forward.

Representative Rust: I would question a few things here. That is one area I have had administrators talk to me about. They think they might have a problem doing that so it is an area of concern.

Chairman Kelsch: Doug (Johnson), you served on the subcommittee for this. Have you had other objections on this?

Doug Johnson: Yes but it was decided by the committee to stay with the three units. The concern is that some of these school districts, particularly the smaller ones, to do that arguably they would have to have two years and then it would have to be 3rd year of the same language so a second foreign language would be a problem.

Chairman Kelsch: That's only to make it available. They can still take the internet class. One of the reasons behind some of the things that are in this bill and this in particular, is that our ND students are probably not going to ND campuses. We felt those students needed to be more competitive and be as best prepared as possible when going out to the work world. Our economy is going to be more and more global and that was one of the biggest reasons we looked at upping this.

Vice Chairman Meier: If a student took the foreign language in junior high at 9th grade, could that transfer into high school?

Chairman Kelsch: Technically if they take in 9th grade, that's high school. If they took it in 8th grade, and we went through this with algebra, there are some districts that allow that for high

school requirements and some that don't. It's kind of murky. I think the answer is going to be No.

Representative Hunskor: I'd like to ask Doug. We have talked about small rural schools may have some problems—How serious is that? I heard you say there may be some difficulties but is it a major thing? Can they find a way to get this to happen?

Doug Johnson: I've visited with superintendents and high school principals. It could be a problem if they have to offer a second foreign language. Most have the first two years covered. If they are required to offer 3 years or second foreign language, the only option may be to have it a student take it online or through an ITV program.

Representative Hunskor: Do you see this happening? Can it happen?

Doug Johnson: If they have trouble I think it will be with accreditation standards.

Chairman Kelsch: This is the first I've heard of this one. We can certainly make a change. I think this is one of the issues that may be the deal breaker on the other side.

Representative Johnson: Is sign language considered a foreign language? I say that because a lot of that goes on in our area.

Chairman Kelsch: I don't know. (Bev Nielson added that she was unsure.)

Representative Heller: Can we go back to Section 8 for a minute? Down at the bottom where it says "the superintendent of public instruction shall appoint a professional advisory committee" is that going on now?

Chairman Kelsch: No, that would be something new. We haven't had very concerted, consistent professional development across the state. That's one of the complaints we have gotten from constituents, from school districts, from teachers, from superintendents, from principals—it's been the whole gamut. Some districts have incredible professional development and others don't. What they are hoping to gain from this is to insure, by giving

them additional time, all school districts are providing professional development. The staff support is in the budget.

So think about the 3units/2units—we can make a change and we can make the argument if you want to.

Representative Mock: I'm curious about sign language. Do colleges consider that another language or not? At UND it is not, but at some institutions in other states it is.

Chairman Kelsch: I think it counts as an elective, but I don't think it counts for a foreign language requirement. Technically it's not.

Section 10, lays out coursework and what those units need to be. Notice the physical education unit may also be ½ unit physical education and ½ unit health. You see how the rest of the units are laid out. There will be a new section right after requirements. It's not exactly what Representative Schatz had done; however, it is descriptive of what we believe students should have.

Section 11, I received information from WorkKeys as well as Kutzer came in and had some suggestions regarding the WorkKeys assessments. You need to score 5 on each of the sections—that's the gold standard. The three assessments that need to be referred to there are: reading for information, applied mathematics and locating information. Those are the ones have the closest correlation to the ACT and the three most commonly used and recommended for students to take. There are no schools currently using WorkKeys. It is available at Job Service. There was a group of us that attended a meeting this fall and we realized that there are students currently taking the SAT with no intention of going college. What they really need is an assessment of their career readiness.

Representative Rust: The minimum of Algebra II and the minimum of 24 on the ACT. I have some concerns.

Chairman Kelsch: We have about 1700 students a year that score a 24 or higher. The average ACT score in ND is 21.8. The Commission felt if you were going to give students a scholarship, it needed to have some meaning to it. Now you have to be in the top 10% of your class. With this you have a better opportunity to receive it and you also have the option to take the ACT as often as you want to get to the 24.

Representative Mueller: This is a pretty major departure in that these merit scholarships are a fixed grant. We may want to have that bar reasonably high.

Chairman Kelsch: We need to be pushing our kids harder to make sure they are actually excelling and doing the best that they can. Our ACT scores have flat lined. Our reading and other testing have flat line. We are sitting here and we have been a target and other states have done things to make their students more successful. This is an incentive to do better in high school. By doing that we will cut out some of the remedial education issues. We don't know if it's going to be successful or not. I have not heard any concerns about dummying down.

Representative Heller: Is this scholarship sustainable? Is this in the higher education budget?

Chairman Kelsch: The money is not there yet. This first takes effect in 2012 when the first students will be eligible. The budget has to be in the higher education budget. Higher education is very excited about this program.

Representative Hunskor: Could the "reading of the constitution, declaration of independence. . " could that requirement be taken care of in US History class or some other social class? Does it have to be in Government?

Chairman Kelsch: Representative Schatz when you looked at that wasn't it in the standards for either US Government or Problems of Democracy?

Representative Schatz: Yes it was. It is already covered in those standards.

Section 13, merit scholarship

Section 14, is the optional curriculum

Representative Wall: On Section 13, philosophically I have a real problem offering these kinds of dollars with no strings attached without requiring a GPA. All of us have had students who did not have propensity for academics. They could spend 15 years in high school and never achieve a 24 on the ACT; however, they have gone on to be highly productive citizens. I just find this worrisome. I think there should be some strings attached.

Chairman Kelsch: Do you want to add a GPA requirement—say 2.5 or 3.0?

Representative Mueller: I think this a valid point. It could either be dealt with by a requirement we put in or with reference the college's criteria for maintaining a scholarship. I think we need to have something.

Representative Wall: I agree this will produce more rigor. The downside is that there will be teaching to the ACT which I feel is done at times.

. . . Further discussion on adding a GPA requirement. . . . And the appropriation . . .

Section 14, optional curriculum. This needs parental permission.

Representative Rust: Some superintendents feel this is an optional curriculum for those who cannot make it. We are going for three types of diplomas. That's a significant departure from what we currently have. We have one single diploma without distinction. If someone would like to know of a student's performance they would ask for a transcript. Has anyone expressed misgivings about this?

Chairman Kelsch: Absolutely. In addition to two diplomas where you allow students to get a scholarship, when we were looking at adding more rigor by placing additional requirements on students the reality was that some students just couldn't handle even the basic

requirements of a high school diploma. That's why we felt it important to give them an option that is not quite as rigorous, but if they achieve that diploma they will still be able to go out into the workplace and have the skills necessary that the business is asking for. What we heard time and again when businesses are hiring young people, they want them to be able to add, subtract and multiply and figure out problems. They want them to be able to read directions. We needed to make sure we had something for those students that maybe just couldn't make it. We are not losing those students. They are not dropping out of high school. They still have a reason to finish high school, to graduate and to get a diploma. I would say that maybe 95% of the students will get the regular diploma and maybe 5% will get the optional. I can't tell you how many students will qualify for the scholarships. It's up to the superintendent. There will be no differentiation when they walk across the stage and all students will just receive a ND diploma.

Representative Rust: This could prevent you from getting into college and be a serious unintended consequence.

Chairman Kelsch: If I am at BSC and ask for your transcripts. When I get those, I don't get a copy of your diploma. They may know if you got technical honors, but they wouldn't know what kind of diploma you received. Only the superintendent, the parent and child would know that you were in the optional curriculum. There would be no stigma involved. I look at capturing those kids to get them into some sort of program to retain them instead of them dropping out. We don't have the highest graduation rates in the states any more. Something is happening here in ND.

Representative Rust: The kids will all know. I like the idea of trying to get them to achieve more but I worry about the unintended consequences.

Representative Mueller: This is a way kinder, gentler approach to this issue than what we saw initially. Most colleges in ND will take these kids—they are required to take them. That is not a huge issue. If you look at this, there are some pretty prescriptive requirements that allow you to do that including mom and dad's approval and being in the lower 25%. We addressed the issue of what just might be a drop out if we don't something. What is an alternative to deal with this? I think this is a pretty good approach and we need to take a look at it for a couple of years.

Representative Hunskor: What are these diplomas going to look like? Will they say: Academic? Technical? Optional?

Chairman Kelsch: I don't know. It's up to the superintendents. Those I've talked to say they will not differentiate.

Representative Kelsh: I'm just wondering if we just have our blindfolds on and thinking about kids that are able to go to college. For these kids that take the optional there may be an employer out there that says they are glad they got it—we can use a welder, etc. That is something that may be useful for them right off the bat. They may not want to go to college. It may be an opportunity for them.

Doug Johnson: It will be just a ND high school diploma—no differentiation.

Chairman Kelsch: Because we are increasing the rigor, we didn't want to impose that many more credit hours.

Chairman Kelsch: I asked the superintendent of Indiana where they have this program about some of the concerns that have been raised in the interim commission. Their program has been extremely successful even though there were concerns about a lot of big issues. She did say was that their graduation rate increased because they had an alternative option. They have four tiers, and their superintendents do not differentiate on the diplomas.

Section 15, lays out the summer school program

Section 16, discusses an interim assessment

Section 17, requires school districts to administer to students a career interest inventory

Section 18, student determination of ACT, SAT or WorkKeys test.

Representative Karls: When students take the ACT, are their results reported to the school so that school can see where they are falling behind.

Chairman Kelsch: I'm pretty sure they receive copies.

_____?____: They get copies and a sticker is place on their permanent transcripts.

Section 19, ADM determination

Section 20, per student payments—these are fluid and will not be determined until the last.

Representative Mueller: What is the rationale to arrive at first and second year?

Chairman Kelsch: The payments for the second year are more because the programs that will start then.

Section 21, will be eliminated

Section 22, baseline funding updated

Section 23, remove obsolete language because of proposed mil levy reduction.

Section 24, assures equity payment will not decrease

Section 25, hold harmless for districts going to dissolution

Section 26, summer school

Section 27, clarifies instructional days.

Section 28, reauthorizes the commission on education improvement and expands it

Section 29, increases special ed dollars

Section 30, creates a ND early childhood learning council which is required by federal law and required membership

Section 31, duties of the above council

Section 32, reimbursement of council

Section 33, amend to four pilot programs at $1.5 million

I think we should be working collaboratively with the private sectors. I don't think we should just jump in to something that may not be successful. If you want to be successful is to do pilots and look at them in the different geographic areas. The balance of the $5 million appropriation is moved to transportation.

Representative Mueller: Remember the testimony from the early childhood education advocates, this is the way they say it needs to be done. The other part of that is the Pre K Now people say start it this way. That way you do not make quite as many mistakes because you are going to do it on a limited basis. When it takes off, you move farther.

Representative Rust: Does the stimulus package have anything for day care.

Chairman Kelsch: It has something for child development day care

Representative Kelsh: I had a conversation with the Lt. Governor and I told him I would be more comfortable putting $5 million in transportation and he thought this was only a start that there likely more added later. Is that your thinking?

Chairman Kelsch: You were around a long time and sat in those conferences committees and knew what we brought in was not the final product. I told you that in my mind the $2 million is a start. We could look at changing the weighting factor but we don't have enough time. We should look at increasing transportation and that is something we will continue to work on.

Representative Kelsh: Generally, on those committees we spent a lot of time seeing which we had to cut the least in those days. There's a whole different dynamic here now—we can do something. Everyone is going to want a chance to put something in and that's different than before.

Representative Hunskor: Does that $2.5 million in transportation skew equity.

Chairman Kelsch: There could be an argument made that those dollars are not equitable because of the way they are distributed. It's additional money outside of the formula that does not go through and provide the equity. There are those that the more you put outside of the funding formula, the more the formula moves from equity. We have to careful how we do that.

Representative Kelsh: The thing this year is sensitivity on the part of the chain of command toward that issue. I know it's early in the session and all of us are working doing the best that we can from both sides of the aisle and I think we need to rest at that and let the process work its way. I have confidence that in the end the very best will be done.

Chairman Kelsch: I know at the last meeting we had of the conference committee we worked hard to make some changes for small schools. We wanted to make sure we took care of them. We did make changes beneficial to them and we will continue to work on that. I even looked at trying to put $1 million as a supplemental payment to those schools.

Representative Hunskor: $5 million amounts to about 7.5 cents per mile. So the other 2 million brings it up to about 10 cents a mile. It probably isn't a whole lot, but it's pretty good.

Section 35, stays the same

Section 36, stays the same

Section 37, and all the rest of the bill stays the same.

Representative Rust: In the report of the Commission it talks about tutors, is that in 1400.

Chairman Kelsch: That's the student performance strategists. In my amendments I also add the special coaches because it was a policy statement and should have been included in this bill.

Representative Wall: Deferred maintenance—is that dollar amount the same.

Chairman Kelsch: Yes, it does. This is one area that may not be necessary depending on what we receive from the stimulus package. It's my understanding that has a lot of deferred maintenance in it. If so, this would go away. I had the thought it might be used for some transportation dollars.

Representative Mueller: It talks about contingent money in Section 41 and basically repeats what was said in '07 and '09. Is the old language what we want in the bill because then we go through that laundry list of things we will fund if we have extra money. Is that something that needs to be revisited?

Chairman Kelsch: Because that's what it in current law. Those monies were never spent. It allows for the special ed monies to come back in to be spent for the deficiency in special ed.

Jerry Coleman: It will a transfer from the special ed line when we have some money over to the state aid line. It doesn't hurt anything to leave that in there. It allows us to take care of any excess money.

Representative Rust: I see in this bill you are adding career advisors, student ___ , mentoring program, and instructional coaches. Has anybody figured out how many FTEs that is in the state? It seems we are growing the employees in the public schools by a fair amount of people and whether or not we will be able to afford them. I never want to put people in to positions and then in a few years let them go. Down the road we may not be able to support them and I'm really hesitant to put in something we will not be able to afford.

Chairman Kelsch: For the mentoring program they will be mentor/teachers. What we have is training for the teachers and stipends. I don't know how familiar you are with what the committee did during the interim. All this was based on the second phase of the lawsuit regarding adequacy. We hired a consultant and he came in with grand and very expensive ideas. The commission was very prudent in what they decided that we could do and what we shouldn't. That's where the recommendations came from.

Representative Wall: To clarify Section 35, the teacher concentration increases. Will the 70% be per pupil increases plus equity. What is it 70% of?

Chairman Kelsch: It is of new monies, and it does not exclude the equity. That's the same language we had last session.

Representative Rust: Did you say anything about increasing this by $10 million.

Chairman Kelsch: I did not. The Appropriations Committee has; however, they have not seen the bill yet. I have not had anyone directly tell me.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1400**

House Education Committee

☐ Check here for Conference Committee

Hearing Date: **February 5, 2009**

Recorder Job Number: 8882 and 8886 (beginning at 8:25)

Committee Clerk Signature Jodi Pfundler

Minutes:

Chairman Kelsch opened discussion of HB 1400. You have two documents: One is the proposed amendment and the other is a markup of the bill showing the changes—graciously done by Anita. She went through the changes: Scholarships recipients are required to maintain a 2.75 GPA, curriculum directives are added, assessments for students receiving their GED are added. The only other issue not addressed in the bill that we did have some discussion of, would be an amendment that Representative Rust would like to do. It is on Page 8. If that is something that you feel strongly about, we can make a change to that language.

Representative Rust: We could drop that GPA to 2, if needed.

Representative Mueller: I think for a lot of reasons it's a good idea to make a change.

Anita Thomas: If this committee wishes to make that change, we can do it.

Chairman Kelsch: We can do that as we move through the motions.

Representative Rust: Is there any place else that needs to be changed? I'm not sure.

Chairman Kelsch: That would be the only place? Would you like that to be part of the amendment?

Representative Rust: Yes, I would.

Chairman Kelsch: We will include that as a friendly amendment.

. . . Discussion of foreign language requirements. .

Chairman Kelsch: It would then read "two units of the same foreign or Native American language." This is basically what the current law requires.

Representative Mueller: There is another issue on start time of Kindergarten. We have a different date there than what we passed the bill out.

Chairman Kelsch: Because that bill has not made it through the system, we have to go with current law in here. Once everything passes and is signed into law, it will be reconciled.

Representative Hunskor: Going back to foreign language—are we at two or three for the total?

Chairman Kelsch: It would be two and that would be part of the motion with the complete amendment.

Vice Chairman Meier: I **move the amendment (97379.0404)**

Representative Wall: Second

Representative Myxter: I have some weighting factors. . Should we do that now? Fargo and Bismarck want to change the ELL weighting factors.

Chairman Kelsch: We got an email from Paul and I replied back telling him that the changes he wanted would probably have a reverse effect of what his ultimate goal is. What we need to do is look at those factors in the second half. What would actually happen with those factors with a couple of the guys who are really good at the formulas, the reservations would receive a surplus of money and Fargo and Bismarck would not benefit. We want to make sure that if we make those adjustments, it will benefit the students that actually need the funds. I told them we need to look at those and try to perfect those at the second time around.

Representative Heller: I also have a problem with those weighting factors. It's the factor in Group U, in particular how big your school is according to ADM. They group the 600 to 900 schools together and we're only 1/100 of a point more in the factor when you compare it to a school like Fargo and Bismarck. The ones I have been contacted by are Beulah, Hazen and Rugby. The problem is that if you look at the weighting factors, the ADMs don't have to change more than 15 and then the weighting factor changes and then you get all the way down to the group of 400-600 kids, and then the next group is 600-900 and we only have 1/100 of a percentage point more of a factor than kids in schools of more than 900. So it groups us with huge schools. I think that's an unfair grouping.

Chairman Kelsch: There was a very definite cutoff between certain populations of school districts and a real easy way for us to determine where those weighting factors should be set. The weighting factors are a very complicated issue and it is something for which we cannot make an amended change today. We don't know what the effect would be to all the other school districts. If the weighting factors are a concern then get emails to me or Senator Flakoll saying they perhaps need to be reworked. I want to see if we can make some changes for the very small school weighting factors. The problem is that it is a very complicated procedure and you have to be careful so there are not unintended consequences to other school districts.

Representative Heller: I wanted to know the rationale behind the ADM size and then the concurrent changes in weighting factors

Lt. Governor Jack Dalrymple: Maybe I can explain. The history of the study done last time by the Commission collected the cost data for every district. It is broken down to a per ADM cost per student. Then we look for this pattern of what groupings of schools

have the similar cost per student. What we found is that this is a measure of efficiency operating a school that is large versus a school that is small. As you get in to that group from 600 to 900 the additional cost is very low. You would think that the efficiency would grow as you get larger, but that is not what the data shows. The data shows that you kind of reach a plateau somewhere around 500 students. After that the cost per student really doesn't change.

Representative Heller: I would like to get that data and share it with the superintendents who are concerned about this because they think this is very inequitable.

Representative Karls: I'm looking at the amendment on pages 4 & 5 and trying to figure out where they are. Are they totally in a different order? (Found) Full day kindergarten program?

Representative Rust: its 5.5 hours for full day. A half day would be 2.75 hours.

Discussion on HB 1400 closed.

Later the same day the Committee again took up HB 1400

Chairman Kelsch: We have gone through the amendments. You have two documents: The amendment and the document that Anita put together laying out how the amendments change the bill. There is an additional amendment on page 8 where we did reduce foreign language to two units. That was the only additional

The motion and second by Meir and Wall was reiterated.

Representative Kelsh: I guess I would like to hear from the members if they feel these are all right before we vote.

Representative Mueller: I appreciate your concern. They are good. They are okay.

Chairman Kelsch: We have amended HB 1400 before us. What are the wishes of the Committee?

Representative Mueller: I move a Do Pass and it be referred to Appropriations.

Representative Johnson: Second.

Representative Rust: For the record. My problems are: 1) adding pre-K, 2) section 11, dealing with the diploma and 3) the number of people we add career advisors, performance strategists, coaches, etc. I worry about those salaries and those people not being there after a period of time.

A roll call vote was taken: Yes: 12, No: 2 Absent: 0

HB 1400 passed as amended and will be referred to Appropriations.

Chairman Kelsch will carry the bill.

FISCAL NOTE

Requested by Legislative Council
05/02/2009

Amendment to: Engrossed HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$102,800,000	$95,744,337	$146,129,747	$10,100,000
Appropriations	$0	$0	$102,800,000	$95,744,337	$146,129,747	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$192,644,337	$0	$0	$153,229,747

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding and policy plan incorporating the recommendations from the ND Commission on Education Improvement.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The total funding increases addressed in the bill is $198,544,337. It is made up of $102,800,000 general fund, 10,100,000 state tuition fund, and $85,644,337 federal ARRA state fiscal stabilization funds. The breakdown is as follows:

$82,204,416 million State School Aid (HB 1013:
---> 67,644,416 for the main funding formula.
---> 1,000,000 for required assessments.
---> 2,600,000 for regional education associations (through a factor in formula.
---> 3,680,000 for one student contact day on the school calendar. Begins the second year.
---> 3,780,000 for student performance strategists. Begins the second year.
---> 2,700,000 for career advisors. Begins the second year.
---> 400,000 for regional education associations (grants).
---> 400,000 for gifted and talented programs (grants).

10,000,000 for Transportation grants (HB 1013).
-2,000,000 for Special Education Contracts (HB 1013).
16,795,584 for supplemental operations grants (HB 1013).
85,644,337 for supplemental one-time grants (HB 1013).

2,300,000 for a teacher support program (HB 1400).
500,000 for a national board certification fund (HB 1400).
100,000 for continuing education grants (HB 1400).
3,000,000 for ND scholarships for 2009-2010 graduates (SB 2003). Begins the second year.

The increases projected for the 2011-2013 biennium are based on the cost to maintain the K-12 funding level established in the second year of the 2009-2011 biennium. Included in the cost is $5.5 million for the "At-Risk" factor that becomes effective July 1, 2011 and $3 million to cover the cost of the additional year for ND scholarships.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

HB 1013 includes:
Grants – State school aid $808,370,295
Grants – Special education contracts $15,500,000
Grants – Transportation $43,500,000
Grants – Supplemental one-time $85,644,337
Grants – Supplemental operations $16,795,584

HB 1400 includes:
Section 48 - $2,300,000 appropriation for a grant to ESPB for a teacher support system program.
Section 49 - $500,000 appropriation for the purpose of creating the National Board Certification fund.
Section 50 - $100,000 appropriation for the creation of the national board certification fund.

SB 2003
$3,000,000 Academic and technical education scholarships

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	05/05/2009

FISCAL NOTE

Requested by Legislative Council
04/07/2009

Amendment to: Engrossed HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$99,700,000	$10,100,000	$151,994,315	$10,100,000
Appropriations	$0	$0	$99,700,000	$10,100,000	$151,994,315	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$109,800,000	$0	$0	$162,094,315

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding and policy plan incorporating the recommendations from the ND Commission on Education Improvement.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Executive Budget Recommendation and HB 1013, as introduced, added $116,760,000 to K-12 public school funding. The House amended that amount to $110,100,000. The Senate changes K-12 funding to a total of $109,800,000.

The accounting for the $109,800,000 recommended by the Senate is as follows:

99 million State School Aid (HB 1013):
-->84.44 million for the main funding formula.
-->1.00 million for required assessments.
-->2.60 million for regional education associations (through a factor in formula).
-->3.68 million for one student contact day on the school calendar. Begins the second year.
-->3.78 million for student performance strategists. Begins the second year.
-->2.70 million for career advisors. Begins the second year.
-->.40 million for regional education associations (grants).
-->.40 million for gifted and talented programs (grants).

10.00 million Transportation grants (HB 1013).
-2.00 million for Special Education Contracts (HB 1013).

2.30 million for a teacher support program (HB 1400).
.50 million for national board certification fund (HB 1400).

The increases projected for the 2011-2013 biennium are based on the cost to maintain the funding level established in the second year of the 2009-2011 biennium. Included in 2011-2013 is a $6 million estimate to fund the North Dakota Scholarships provided for in Section 17 that will begin in 2011-12 and $11 million for delayed implementation of the "At Risk" factor that becomes effective July 1, 2011.

NOTE: The Senate amendments add one professional day to the school calendar beginning with the 2010-11 school

year. Funding was not specifically identified for that purpose as was the student contact day. The estimated cost of one professional day is $2 million ($45,000 average salary divided by 180 calendar days times 8,000 licensed teachers).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

HB 1013, First Engrossment with Senate Amendments includes:
Grants – State school aid $825,165,879
Grants – Special education contracts $15,500,000
Grants – Transportation $43,500,000
The source of Other Funds is the State Tuition Fund.

HB 1400, First Engrossment with Senate Amendments includes:
Section 38 - $2.3 million appropriation to ESPB for a Teacher Support System grant program.
Section 39 - $500,000 to ESPB for the purpose of creating the National Board Certification fund.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	04/08/2009

FISCAL NOTE

Requested by Legislative Council
03/23/2009

Amendment to: Engrossed HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$98,500,000	$10,100,000	$140,259,901	$10,100,000
Appropriations	$0	$0	$98,500,000	$10,100,000	$140,259,901	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$108,200,000	$0	$0	$150,359,901

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding and policy plan incorporating the recommendations from the ND Commission on Education Improvement.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Executive Budget Recommendation and HB 1013, as introduced, added $116,760,000 to K-12 public school funding. The House amended that amount to $110,100,000. The Senate Education Committee amendments further reduced the amount to $108,600,000. The accounting for the $108,600,000 in this 1st engrossment with Senate Amendments version of HB 1400 is as follows:
86.24 million for the main funding formula.
1.00 million for required assessments.
2.60 million for regional education associations (formula).
3.68 million for one additional day on the school calendar. Begins the second year.
3.78 million for student performance strategists. Begins the second year.
2.70 million for career advisors. Begins the second year.
.40 million for regional education associations (grants).
.40 million for gifted and talented programs.
5.00 million for transportation payments.
2.00 million for supplemental transportation payments (HB 1400).
-2.00 million for special education contracts.
2.30 million for a teacher support program (HB 1400).
.50 million for national board certification fund (HB 1400).

The increases projected for the 2011-2013 biennium are based on the cost to maintain the funding level established in the second year of the 2009-2011 biennium. Included in 2011-2013 is a $6 million estimate to fund the North Dakota Scholarships provided for in Section 17 that will begin in 2011-12. Using Class of 2008 data, 32% of ND students taking the ACT score 24 or higher (one of the criteria for eligibility). Last year 6,071 high school graduates enrolled in college or vo-tech schools. This translates to roughly 2,000 students eligible for a $1,500 grant each year for a total of $6 million for a biennium.

Section 44 provides for a contingent appropriation for Deferred Maintenance and Physical Plant Improvement Grants contingent upon state general fund balances in the next biennium exceeding OMB projections by more than $30 million. HB 1013 has similar language for a $5 million appropriation for supplemental transportation payments. These

contingent appropriations are not included in the totals above.

NOTE: Per student payment rates, equity factors, and transition adjustment percentages were established based on the executive budget recommendation. These factors will ultimately need to be reconciled for the impact of other amendments to distribute the funding available.

- HB 1400 ELL factor changes, estimate $2 million.
- HB 1400 inclusion of mobile home, telecommunication, and in lieu property taxes on distribution, transmission, and generation on electrical power, estimate $1 million in equity payments.
- HB 1013 summer school programs for students placed in residential child care homes, estimate $500,000.
- HB 2229 local school district revenue increases as a result of removing county caps on gross production revenues, estimate $1 million increase in equity payments.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

HB 1013, as amended by the House includes:
Grants – State school aid $826,965,879
Grants – Special education contracts $15,500,000
Grants – Transportation $38,500,000
The source of Other Funds is the State Tuition Fund.

HB 1400, as amended by the Senate includes:
Section 36 appropriates $2.3 million to ESPB for a Teacher Support System grant program.
Section 37 appropriates $500,000 to ESPB for a National Board Certification fund.
Section 38 appropriates $2,000,000 to DPI for supplemental transportation payments.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	03/23/2009

FISCAL NOTE

Requested by Legislative Council
02/11/2009

Amendment to: HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$106,660,000	$10,100,000	$152,289,747	$10,100,000
Appropriations	$0	$0	$106,660,000	$10,100,000	$152,289,747	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$116,760,000	$0	$0	$159,389,747

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding and policy plan incorporating the recommendations from the ND Commission on Education Improvement.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Executive Budget Recommendation and HB 1013, as introduced, added $116,760,000 to K-12 public school funding. The accounting for the $116,760,000 in this 1st engrossment of HB 1400 is as follows:

93.30 million for the main funding formula.
1.00 million for required assessments.
3.00 million for regional education associations.
1.50 million for early childhood education grants. Begins the second year.
3.68 million for one additional day on the school calendar. Begins the second year.
3.78 million for student performance strategists. Begins the second year.
2.70 million for career advisors. Begins the second year.
5.00 million for transportation payments.
2.00 million for supplemental transportation payments.
-2.00 million for special education contracts.
2.30 million for a new mentoring program.
.50 million for instructional coaching pilot program. Begins the second year.

The increases projected for the 2011-2013 biennium are based on the cost to maintain the funding level established in the second year of the 2009-2011 biennium. Included in 2011-2013 is a $3 million estimate to fund the Merit Scholarships provided for in Section 13 that will begin in 2012-13. Using Class of 2008 data, 32% of ND students taking the ACT score 24 or higher (one of the criteria for eligibility). Last year 6,071 high school graduates enrolled in college or vo-tech schools. This translates to roughly 2,000 students eligible for the annual $1,500 grant.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line*

item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All funding for this bill was included in the Executive Budget Recommendation and HB 1013, as introduced. The source of Other Funds is the State Tuition Fund.

Section 40 appropriates $1.5 million for Early Childhood Education Program grants.
Section 41 appropriates $2.3 million for a Mentorship Grant Program.
Section 42 appropriates $500,000 for Instructional Coaching Program grants.
Section 43 appropriates $2,000,000 for supplemental Transportation payments.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	02/13/2009

FISCAL NOTE

Requested by Legislative Council
01/28/2009

REVISION

Bill/Resolution No.: HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$106,660,000	$10,100,000	$152,289,747	$10,100,000
Appropriations	$0	$0	$106,660,000	$10,100,000	$152,289,747	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$116,760,000	$0	$0	$159,389,747

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding plan incorporating the recommendations from the ND Commission on Education Improvement.

The funding components are included in the Department of Public Instruction's appropriations bill HB 1013.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

HB 1013 adds $116,760,000 to K-12 public school funding as follows:

93.30 million for the main funding formula.
1.00 million for required assessments.
3.00 million for regional education associations.
3.50 million for pre-school programs for four year olds. Begins the second year.
3.68 million for one additional day on the school calendar. Begins the second year.
3.78 million for student performance strategists. Begins the second year.
2.70 million for career advisors. Begins the second year.
5.00 million for transportation programs.
-2.00 million for special education contracts.
2.30 million for a new mentoring program.
.50 million for instructional coaching pilot program. Begins the second year.

The bill also contains language for a $10 million appropriation (not included in totals above) for deferred maintenance and physical plant improvements contingent upon the state general fund balance exceeding OMB projections by more than $30 million.

The increases projected for the 2011-2013 biennium are based on the cost to maintain the funding level established in the second year of the 2009-2011 biennium. Included in 2011-2013 is a $3 million estimate to fund the Merit Scholarships provided for in Section 13 that will begin in 2012-13. Using Class of 2008 data, 32 percent of ND students taking the ACT score 24 or higher (one of the criteria for eligibility). Last year, 6,071 high school graduates enrolled in college or vo-tech schools. This translates to roughly 2,000 students eligible for the annual $1,500 grant.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All funding for this bill is included in the Department of Public Instruction's appropriations bill HB 1013. The source of Other Funds is the state tuition fund.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	01/28/2009

FISCAL NOTE

Requested by Legislative Council
01/15/2009

REVISION

Bill/Resolution No.: HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$106,660,000	$10,100,000	$149,289,747	$10,100,000
Appropriations	$0	$0	$106,660,000	$10,100,000	$149,289,747	$10,100,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$116,760,000	$0	$0	$159,389,747

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding plan incorporating the recommendations from the ND Commission on Education Improvement.

The funding components are included in the Department of Public Instruction's appropriations bill HB 1013.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

HB 1013 adds $116,760,000 to K-12 public school funding as follows:

93.30 million for the main funding formula.
1.00 million for required assessments.
3.00 million for regional education associations.
3.50 million for pre-school programs for four year olds. Begins the second year.
3.68 million for one additional day on the school calendar. Begins the second year.
3.78 million for student performance strategists. Begins the second year.
2.70 million for career advisors. Begins the second year.
5.00 million for transportation programs.
-2.00 million for special education contracts.
2.30 million for a new mentoring program.
.50 million for instructional coaching pilot program. Begins the second year.

The bill also contains language for a $10 million appropriation (not included in totals above) for deferred maintenance and physical plant improvements contingent upon the state general fund balance exceeding OMB projections by more than $30 million.

The increases projected for the 2011-2013 biennium are based on the cost to maintain the funding level established in the second year of the 2009-2011 biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All the funding for this bill is included in the Department of Public Instruction's appropriations bill HB 1013. The source of Other Funds is the state tuition fund.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	01/19/2009

FISCAL NOTE

Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1400

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$0	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1400 is the public school district funding plan incorporating the recommendations from the ND Commission on Education Improvement.

The funding components are included in the Department of Public Instruction's appropriations bill HB 1013.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All the funding for this bill was included in the executive budget recommendation.

Name:	Jerry Coleman	**Agency:**	Public Instruction
Phone Number:	328-4051	**Date Prepared:**	01/14/2009

90379.0404
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
February 5, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 2, replace "four" with "six"

Page 1, line 4, replace "and four" with "three" and after "15.1-37" insert ", and sections 15.1-37-02, 15.1-37-03, 15.1-37-04, 15.1-37-05, and 15.1-37-06"

Page 1, line 8, remove "15.1-27-07.1,"

Page 1, line 17, after the semicolon insert "to provide an appropriation; to provide an effective date;"

Page 6, line 27, replace "g" with "o"

Page 11, line 4, replace "A" with "Any resident" and after "student" insert "who graduates from a high school during or after the 2010-11 school year"

Page 11, replace lines 18 through 20 with:

"4. Receives:

a. A composite score of at least twenty-four on an ACT;

b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction."

Page 11, line 23, replace "A" with "Any resident" and after "student" insert "who graduates from a high school during or after the 2010-11 school year"

Page 12, line 19, after "state" insert "and maintains a grade point average of 2.75"

Page 13, after line 26, insert:

"**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Specific curricular directives - Report to the legislative council.

1. The superintendent shall ensure that:

a. The content standards for United States government and problems of democracy include a required reading of the United States Constitution and the Declaration of Independence;

b. The content standards for high school health education courses address social interactions and problem-solving skills; work and study habits; bullying; gangs; tobacco, drug, and alcohol use; and anger, anxiety, depression, and suicide; and

c. Each public and nonpublic high school makes available to each student a personal finance course or a consumer finance course.

2. The superintendent shall provide an annual report to the legislative council concerning the requirements of this section and the implementation of the specific curricular directives."

Page 14, line 30, after "or" insert "three", after "WorkKeys" insert "assessments recommended by the department of career and technical education and approved by the superintendent of public instruction", and after "which" insert "summative"

Page 15, line 1, after "one" insert "summative"

Page 15, after line 8, insert:

"**SECTION 20.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career adviser or guidance counselor shall meet with the student to review the student's assessment results."

Page 16, remove lines 3 through 7

Page 16, line 8, replace "k." with "j."

Page 16, line 12, remove the overstrike over "~~k.~~" and remove "l."

Page 16, line 14, replace "m." with "l."

Page 16, line 19, replace "n." with "m."

Page 16, line 23, replace "o." with "n."

Page 16, line 28, replace "p." with "o."

Page 17, remove lines 16 through 23

Page 21, line 31, replace "2010" with "2009"

Page 22, line 2, replace "greater" with "greatest"

Page 22, line 5, remove "or"

Page 22, line 6, after "2." insert "The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3."

Page 22, line 16, replace "15" with "16"

Page 22, line 19, replace "15" with "16"

Page 27, line 20, replace "**learning**" with "**education**"

Page 27, line 21, replace "learning" with "education"

Page 27, line 28, after "f." insert "The commissioner of higher education, or the commissioner's designee;

g."

Page 27, line 29, replace "g." with "h."

Page 27, line 31, replace "h." with "i."

Page 28, line 15, remove "and"

Page 28, line 16, after "board" insert ";

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school"

Page 29, line 2, replace "learning" with "education"

Page 29, replace lines 27 through 31 with:

"**SECTION 35.** Section 15.1-37-02 of the North Dakota Century Code is created and enacted as follows:

15.1-37-02. Early childhood education program - Authority to operate.

1. The board of a school district may operate an approved early childhood education program, provided the program is limited to students who are:

   a. At least four years old by midnight, August thirty-first of the year of enrollment; and

   b. Not enrolled in a public school kindergarten program.

2. The enrollment of a student in an early childhood education program is voluntary.

SECTION 36. Section 15.1-37-03 of the North Dakota Century Code is created and enacted as follows:

15.1-37-03. Early childhood education program - Facilities. A school district may operate an early childhood education program in a public school building if space is available or in any other setting that meets all local and state health, fire, and safety laws.

SECTION 37. Section 15.1-37-04 of the North Dakota Century Code is created and enacted as follows:

15.1-37-04. Early childhood education program - Financial support. The board of a school district may receive and expend any state or federal funds specifically appropriated for the support of an early childhood education program and any gifts, grants, and donations for that purpose. The board may not use any state funds appropriated for students in kindergarten, in grades one through twelve, or in early childhood special education programs to support an early childhood education program.

SECTION 38. Section 15.1-37-05 of the North Dakota Century Code is created and enacted as follows:

15.1-37-05. Early childhood education program - Requirements. To receive a grant for an early childhood education program operated under this chapter, a district shall:

1. Establish an early childhood education advisory council, in accordance with section 15.1-37-06;

2. Utilize an application process for the admission of students to the program;

3. Give admission priority to students who come from families with income levels that meet the eligibility requirements for free or reduced lunch programs;

4. Limit the size of each early childhood education class to twenty students;

5. Ensure that the adult-to-student ratio in each class does not exceed one to ten;

6. Provide a half-day or full-day program with a duration at least equal to ninety full days of instruction;

7. Admit only those students whose parents permit the collection and dissemination of data regarding the cognitive, physical, and social development of the student; and

8. Meet the criteria for program approval established in section 15.1-37-01.

SECTION 39. Section 15.1-37-06 of the North Dakota Century Code is created and enacted as follows:

15.1-37-06. School district early childhood education advisory council - Establishment.

1. The superintendent of each school district operating an early childhood education program shall establish an early childhood education advisory council consisting of at least:

   a. The director of a head start program serving the school district, or the director's designee;

   b. An individual who is a licensed child care or preschool provider located within the school district;

   c. An individual who owns or operates a business located within the school district;

   d. The mayor of the city in which the school district is headquartered, or the mayor's designee; and

   e. The parent of a child enrolled in the district's early childhood education program.

2. The superintendent, or the superintendent's designee, shall serve as the chairman.

3. The advisory council shall meet at the call of the chairman and shall provide advice and recommendations to the school district regarding matters such as coordination and cooperation with private sector early childhood education providers and head start programs, the admission of eligible children, opportunities to jointly address staff training needs, issues encountered by working families, communication and outreach services, facility usage, transportation, and any other matters that impact the provision of early childhood education services within the district.

SECTION 40. APPROPRIATION - EARLY CHILDHOOD EDUCATION PROGRAM GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing grants to four school districts offering early childhood education programs, for the biennium beginning July 1, 2009, and ending June 30, 2011. The superintendent of public instruction shall distribute the grants during the second year of the biennium, according to the number of students each school district has in approved early childhood education programs. The grant payment per student may not exceed fifty percent of the per student payment rate established in section 15.1-27-04. The superintendent of public instruction may use up to $50,000 of the amount appropriated by this section to cover administrative costs and monitoring expenses incurred as a result of the program.

SECTION 41. APPROPRIATION - MENTORSHIP GRANT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of supporting a mentorship grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:

a. Employ an individual to serve as a mentoring coordinator and to oversee and evaluate the program;

b. Appoint an advisory board to assist with program development and oversight; and

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2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and first-year teachers participating in the program, and any other administrative expenses resulting from the program.

SECTION 42. APPROPRIATION - INSTRUCTIONAL COACHING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing three grants for instructional coaching programs, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each grant recipient must provide matching funds on a dollar-for-dollar basis. The superintendent of public instruction may establish additional criteria governing the qualifications of instructional coaches, participation by teachers, and methods by which the instructional coaching programs will be evaluated. A grant under this section is payable to a school district or a regional education association during the second year of the biennium.

SECTION 43. APPROPRIATION - TRANSPORTATION PAYMENTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing transportation payments to school districts, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 30, remove lines 1 through 6

Page 32, line 10, after "student" insert "enrollment of the participating districts exceeds three hundred sixty. If a grant is provided"

Page 35, after line 28, insert:

"**SECTION 54. EFFECTIVE DATE.** Section 10 of this Act becomes effective on July 1, 2010."

Page 35, line 29, replace "41" with "50"

Renumber accordingly

Date: 5 Feb 09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 97379.0404

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Meier Seconded By Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunskor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

Total (Yes) 100% No

Absent

Floor Assignment Amendment accepted

If the vote is on an amendment, briefly indicate intent:

97379.0404

Adopted by the Education Committee
February 5, 2009

VR
2/9/09
1B 6

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 2, replace "four" with "six"

Page 1, line 4, replace "and four" with "three" and after "15.1-37" insert ", and sections 15.1-37-02, 15.1-37-03, 15.1-37-04, 15.1-37-05, and 15.1-37-06"

Page 1, line 8, remove "15.1-27-07.1,"

Page 1, line 17, after the semicolon insert "to provide an appropriation; to provide an effective date;"

Page 6, line 27, replace "q" with "o"

Page 8, line 25, remove the overstrike over "~~Two~~", remove "Three", and remove "foreign or native American languages, at least two of"

Page 8, line 26, remove "which must be of"

Page 11, line 4, replace "A" with "Any resident" and after "student" insert "who graduates from a high school during or after the 2010-11 school year"

Page 11, replace lines 18 through 20 with:

"4. Receives:

a. A composite score of at least twenty-four on an ACT;

b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction."

Page 11, line 23, replace "A" with "Any resident" and after "student" insert "who graduates from a high school during or after the 2010-11 school year"

Page 12, line 19, after "state" insert "and maintains a grade point average of 2.75"

Page 13, after line 26, insert:

"**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Specific curricular directives - Report to the legislative council.

1. The superintendent shall ensure that:

   a. The content standards for United States government and problems of democracy include a required reading of the United States Constitution and the Declaration of Independence;

   b. The content standards for high school health education courses address social interactions and problem-solving skills; work and study habits; bullying; gangs; tobacco, drug, and alcohol use; and anger, anxiety, depression, and suicide; and

   c. Each public and nonpublic high school makes available to each student a personal finance course or a consumer finance course.

2. The superintendent shall provide an annual report to the legislative council concerning the requirements of this section and the implementation of the specific curricular directives."

Page 14, line 30, after "or" insert "three", after "WorkKeys" insert "assessments recommended by the department of career and technical education and approved by the superintendent of public instruction", and after "which" insert "summative"

Page 15, line 1, after "one" insert "summative"

Page 15, after line 8, insert:

"**SECTION 20.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career adviser or guidance counselor shall meet with the student to review the student's assessment results."

Page 16, remove lines 3 through 7

Page 16, line 8, replace "k." with "j."

Page 16, line 12, remove the overstrike over "~~k.~~" and remove "l."

Page 16, line 14, replace "m." with "l."

Page 16, line 19, replace "n." with "m."

Page 16, line 23, replace "o." with "n."

Page 16, line 28, replace "p." with "o."

Page 17, remove lines 16 through 23

Page 21, line 31, replace "2010" with "2009"

Page 22, line 2, replace "greater" with "greatest"

Page 22, line 5, remove "or"

Page 22, line 6, after "2." insert "The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3."

Page 22, line 16, replace "15" with "16"

Page 22, line 19, replace "15" with "16"

Page 27, line 20, replace "**learning**" with "**education**"

Page 27, line 21, replace "learning" with "education"

Page 27, line 28, after "f." insert "The commissioner of higher education, or the commissioner's designee;

g."

Page 27, line 29, replace "g." with "h."

Page 27, line 31, replace "h." with "i."

Page 28, line 15, remove "and"

Page 28, line 16, after "board" insert ";

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school"

Page 29, line 2, replace "learning" with "education"

Page 29, replace lines 27 through 31 with:

"**SECTION 35.** Section 15.1-37-02 of the North Dakota Century Code is created and enacted as follows:

15.1-37-02. Early childhood education program - Authority to operate.

1. The board of a school district may operate an approved early childhood education program, provided the program is limited to students who are:

   a. At least four years old by midnight, August thirty-first of the year of enrollment; and

   b. Not enrolled in a public school kindergarten program.

2. The enrollment of a student in an early childhood education program is voluntary.

SECTION 36. Section 15.1-37-03 of the North Dakota Century Code is created and enacted as follows:

15.1-37-03. Early childhood education program - Facilities. A school district may operate an early childhood education program in a public school building if space is available or in any other setting that meets all local and state health, fire, and safety laws.

SECTION 37. Section 15.1-37-04 of the North Dakota Century Code is created and enacted as follows:

15.1-37-04. Early childhood education program - Financial support. The board of a school district may receive and expend any state or federal funds specifically appropriated for the support of an early childhood education program and any gifts, grants, and donations for that purpose. The board may not use any state funds appropriated for students in kindergarten, in grades one through twelve, or in early childhood special education programs to support an early childhood education program.

SECTION 38. Section 15.1-37-05 of the North Dakota Century Code is created and enacted as follows:

15.1-37-05. Early childhood education program - Requirements. To receive a grant for an early childhood education program operated under this chapter, a district shall:

1. Establish an early childhood education advisory council, in accordance with section 15.1-37-06;

2. Utilize an application process for the admission of students to the program;

3. Give admission priority to students who come from families with income levels that meet the eligibility requirements for free or reduced lunch programs;

4. Limit the size of each early childhood education class to twenty students;

5. Ensure that the adult-to-student ratio in each class does not exceed one to ten;

6. Provide a half-day or full-day program with a duration at least equal to ninety full days of instruction;

7. Admit only those students whose parents permit the collection and dissemination of data regarding the cognitive, physical, and social development of the student; and

8. Meet the criteria for program approval established in section 15.1-37-01.

SECTION 39. Section 15.1-37-06 of the North Dakota Century Code is created and enacted as follows:

15.1-37-06. School district early childhood education advisory council - Establishment.

1. The superintendent of each school district operating an early childhood education program shall establish an early childhood education advisory council consisting of at least:

   a. The director of a head start program serving the school district, or the director's designee;

   b. An individual who is a licensed child care or preschool provider located within the school district;

   c. An individual who owns or operates a business located within the school district;

   d. The mayor of the city in which the school district is headquartered, or the mayor's designee; and

   e. The parent of a child enrolled in the district's early childhood education program.

2. The superintendent, or the superintendent's designee, shall serve as the chairman.

3. The advisory council shall meet at the call of the chairman and shall provide advice and recommendations to the school district regarding matters such as coordination and cooperation with private sector early childhood education providers and head start programs, the admission of eligible children, opportunities to jointly address staff training needs, issues encountered by working families, communication and outreach services, facility usage, transportation, and any other matters that impact the provision of early childhood education services within the district.

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necessary, to the education standards and practices board for the purpose of supporting a mentorship grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:

   a. Employ an individual to serve as a mentoring coordinator and to oversee and evaluate the program;

   b. Appoint an advisory board to assist with program development and oversight; and

   c. Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development.

2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and first-year teachers participating in the program, and any other administrative expenses resulting from the program.

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Page 30, remove lines 1 through 6

Page 32, line 10, after "student" insert "enrollment of the participating districts exceeds three hundred sixty. If a grant is provided"

Page 35, after line 28, insert:

"**SECTION 54. EFFECTIVE DATE.** Section 10 of this Act becomes effective on July 1, 2010."

Page 35, line 29, replace "41" with "50"

Renumber accordingly

Date: 2-5-09
Roll Call Vote #: ____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number ____

Action Taken ☑ Do Pass ☐ Do Not Pass ☑ Amended

Motion Made By Rep Mueller Seconded By Rep Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunskor	✓	
Rep. Brenda Heller		✓	Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust		✓			

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep R. Kelsch

If the vote is on an amendment, briefly indicate intent:

Rereferred to appropriations

REPORT OF STANDING COMMITTEE

HB 1400: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "four" with "six"

Page 1, line 4, replace "and four" with "three" and after "15.1-37" insert ", and sections 15.1-37-02, 15.1-37-03, 15.1-37-04, 15.1-37-05, and 15.1-37-06"

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Page 29, replace lines 27 through 31 with:

"**SECTION 35.** Section 15.1-37-02 of the North Dakota Century Code is created and enacted as follows:

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   a. At least four years old by midnight, August thirty-first of the year of enrollment; and

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2. The enrollment of a student in an early childhood education program is voluntary.

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2. Utilize an application process for the admission of students to the program;
3. Give admission priority to students who come from families with income levels that meet the eligibility requirements for free or reduced lunch programs;
4. Limit the size of each early childhood education class to twenty students;
5. Ensure that the adult-to-student ratio in each class does not exceed one to ten;
6. Provide a half-day or full-day program with a duration at least equal to ninety full days of instruction;
7. Admit only those students whose parents permit the collection and dissemination of data regarding the cognitive, physical, and social development of the student; and
8. Meet the criteria for program approval established in section 15.1-37-01.

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d. The mayor of the city in which the school district is headquartered, or the mayor's designee; and

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Page 35, after line 28, insert:

"**SECTION 54. EFFECTIVE DATE.** Section 10 of this Act becomes effective on July 1, 2010."

Page 35, line 29, replace "41" with "50"

Renumber accordingly

2009 HOUSE APPROPRIATIONS

HB 1400

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9573

Committee Clerk Signature Jan Prendle

Minutes:

Lt. Governor Jack Dalrymple distributed information regarding HB 1400, Adequacy of School Funding. (Attachment A)

Rep. RaeAnne Kelsch, District 34: HB 1400 is the primary K-12 education bill. This is the compilation of all the work during the interim to address adequacy. We hired a consultant to look at this. Many of the recommendations they made were quite extravagant and very expensive. The Commission looked at what they felt were the most valuable recommendations and moved them forward in this bill.

Section 20 is new language that was put in to the bill. We felt that WorkKeys was a good assessment for not only high school students but also GED students as well as others to assess where students are at with their work trainability and where they would fit in to the job force as they graduated from high school.

Section 40, Pre-K Pilot Programs is also a new part of the bill. The Commission had put $3.5 million in to begin a Pre-K program as well as a factor that would run through the funding formula. That would be for the second year of the biennium. The House Education Committee did not think feel that they we were ready to begin a Pre-K program and so took $1.5 million of that $3.5 million to initially begin Pre-K pilot programs. We want them to work collaboratively

within the community. We had a lot of support from economic development groups who said this was extremely important to them.

Section 41 is $2.3 million for the mentorship grant program. This is a good tool to work with teachers and keep them. This would have been HB 1480 and we pulled it out of there since we thought it was a policy question.

Section 42 is the instructional coaching program $500,000. It's our way of keeping the best and the brightest. Mentors are typically teachers, so it doesn't mean hiring new teachers. They could do this during a free period.

Section 43, $2 million originally for the Pre-K program was used for additional transportation payments bringing the new total to $7 million.

Section 45, increased transportation per mile payment. Transportation is an area where school districts are being hit. With the $5 million, the small rural schools got the biggest increase.

There are no major changes to the funding formula, only minor adjustments.

Rep. Berg: This is very comprehensive. It appears there is a greater focus on student performance. How are we going to measure that?

Rep. Kelsch: No Child Left Behind requires test at certain grade levels, we want to take interim assessments instead. MAP (Measures of Academic Progress) tests show where a student is today. You will be able to determine what needs to be done to bring that student up to speed. Assessments will be done two times a year; they have been found to be a key component of a student's success.

Rep. Berg: So we are not creating a new testing mechanism. There are standards that we can use.

Rep. Kelsch: That's correct. The DPI would rather use the AYP, but the Commission felt it was important to use a separate assessment. They do not count toward our AYP, but they do measure the students' needs and they can be addressed.

Rep. Berg: Will these totals be available on line to parents in aggregate numbers.

Rep. Kelsch: We touched on that. Some districts have that, but we only had light discussion on that.

Rep. Berg: I truly think that long term we'll improve education dramatically if this information is available. In Section 28, you are adding Chancellor of Education to the Commission on Education. Is your long-term vision that this becomes a standing commission that will that will introduce bills?

Rep. Kelsch: I don't know if I see it as a standing commission probably more than four years down the road. It did come out of the lawsuit. There definitely has been merit to the Commission. Regarding the Chancellor, he had brought forward the development of a P-20 Council. We defeated that bill. We felt this was a more manageable group. We want to make sure that our students are prepared for higher education and thought perhaps adding the Chancellor to this was better than adding another group made up of 40 some people. That's also why we added a business person to be in an advisory capacity. We heard a lot during the interim about the needs of our business people in the state and what they are looking for and having someone on there would be beneficial.

Rep. Berg: The Commission had two objectives: Equity and Adequacy. Is the Commission done with its work or are we go on? My other questions relate to Sections 41 and 43. Section 41 deals with contingent money that was not used. Do you know what those are? Are they spelled out somewhere?

Rep. Kelsch: That bill summary is on the original bill. It is spelled out there.

Rep. Berg: ". . . If there is insufficient funds to cover Special Ed, money would be transferred from BND." If there's not enough money, that creates a liability.

Rep. Kelsch: If the school districts need the money, the schools need a way to get it to them and then it would be repaid to the BND at the next biennium. The appropriation would be in the DPI budget.

Rep. Kelsch: You asked if the Commission's work done? A lot of these are happening in the second year of the biennium so there will probably be other issues that need to be addressed regarding adequacy. We took a relatively conservative approach during this interim based on the costs knowing that we would probably make additional adequacy recommendations during the next biennium.

Rep. Skarphol: The BND issue is incredibly open ended. There needs to be some mechanism to limit it.

Rep. Kelsch: I did have hesitations about that. Lt. Gov. would defend it.

Rep. Wald: I'm looking at the fiscal note. 'In the 09-'11 biennium is $105 million, in the '11-'13 biennium it is $152.2 million that's a 50% increase in a two-year time span. What's driving that?

Rep. Skarphol: There is a tutors program and a career advisors program that are funded only for the last part of the biennium. They involve 120 FTE.

Rep. Kelsch: That is correct.

Rep. Nelson: I'm working off the recommended budget summary. I did notice there were areas where some of these programs were funded from contingency money. Walk me through the contingency.

Rep. Kelsch: if you go to the engrossed bill it talks about the contingent money of '07-'09. That was from the last biennium. There is $1 million for special ed. Contracts and $2 million for

REAs. The REA base grants are now at $2.6 million. That is now a line item as well as the REA base grants. During the last biennium, the formula did exactly what it was supposed to do and get that money to the school districts. In the past we always ended up with a cushion. We always found some ancillary programs that we wanted to fund and we put them in the contingency line item. Given the fact that adequacy is going to be needed to be addressed through REAs, they will be utilized more than in the past we felt then we should fund them outright. We had ELL (English Language Learners), increased those factors and made adjustments. Adult Education ($200,000) is a line item in HB 1013. The biggest one that was added was the REAs.

Rep. Nelson: Regarding '11 cycle, what is happening with the Pre-k will that be at the Pilot number?

Rep. Kelsch: I'm not sure the way the FN is done is completely accurate. They probably didn't consider the $1.5 for the pilot projects and didn't consider them continuing. I would guess you would have somewhat of a decrease but I don't know that for a fact.

Rep. Nelson: I'm guessing the second year of two half-days wasn't what the original goal of that program was. Was there any talk in your Committee of how this Pre-K would be desire in to the next biennium?

Rep. Kelsch: There was discussion of what was ideal. We never came to anything conclusive as to how many days it would be offered. Right now, Pre-K, other than the 4 pilot projects, is not included in here—they are not a factor in the funding formula.

Rep. Klein: Sections 11, 12 and 13, the merit scholarship, is this new and why the six years?

Rep. Kelsch: We did have a lot of discussion about the amount of time we wanted to see students get through school. The reason for the six-year period, if a student was eligible to receive the scholarship for four years and something unfortunate happened and had to drop

out for a year, we did not want to penalize them. They would still qualify for that scholarship as long as they maintained their GPA. I t has to be four years out of six. This is new language.

Rep. Kreidt: Looking at the FN, second half it says $3.68 million for one additional day of school calendar. Can you justify that?

Rep. Kelsch: When you add another day to school you factor in all costs in having that school open. Having an additional day with the students was a trade off for adding more professional development time. We wanted to ensure that our students have another "touch time day." That $3.68 is what it costs the school districts to run the school for one additional day.

Rep. Skarphol: Most of the programs you see funded are all included in the grants line of the budget. In the budget itself we can remove dollars. If the programs are approved here, the dollars we remove will lower the per pupil payment to schools. If there is a policy in here that you do not like, we need to have that discussion here. Some of these were removed from the budget and amended in to 1400. It will be more difficult to do it when we take up the budget. The consequences of what is decided on HB 1400 carry through to the DPI budget.

Rep. Dosch: Looking at assessing student performance is there anything regarding assessing the school's performance?

Rep. Kelsch: We have to comply with No Child Left Behind. Within NCLB there are sanctions if school districts do not meet AYP (Annual Yearly Progress). We currently know which schools are not making AYP. In order for schools to meet AYP they do need to have tutors available for students and other criteria. If they do not meet AYP for three years, they have to make school choice available. HB 1400 was meant to increase the rigor and challenge our students more and have our students rise above. The assessments for districts for NCLB do not provide for student incentives. We felt this would put more rigor in to the classroom as

well as making sure that our teachers are as well prepared as they possibly can be to teach those students for the next level.

Rep. Dosch: Does that mean that teachers are going to be paid based on merit or continue our failed system of giving everyone a raise?

Rep. Kelsch: In ND we do not have a pay for performance program in place. Nothing in this bill changes the way teachers are currently paid.

Rep. Dosch: For the $118 million new dollars, how many new students will be educating with that increase?

Rep. Kelsch: We are probably are not gaining a lot of students. We're not seeing a large increase in student population. It always sounds really good to say we are spending too much on education. School districts need to stay open to educate students. Until the legislature is ready to say we are going to consolidate school districts and cut it down to an appropriate number, we are going to continue to spend money on education.

Rep. Hawken: When we took the money out of the budget for the mentoring and coaching and a couple of other things, it was because those were policy issues that needed to have hearings. I would assume those were discussed in your committee and that is why they show up here now.

Rep. Kelsch: That is correct. When those sections were removed I was told that was because those were policy decisions and needed to have a hearing. They have had a hearing and that is why they are in the bill.

Rep. Hawken: NCLB has been reaffirmed. Those tutors have to be in there or we are out of compliance. Is that correct?

Rep. Kelsch: We do need to have the authority to have tutors. This is to insure there are tutors available for all students especially those that are failing and at risk.

Rep. Hawken: Adding the two people to the Commission is an excellent idea. In my opinion the Commission has moved education in the State of North Dakota forward in a way that nothing else has in all the years that I have been involved in education. I know you all put in a tremendous amount of time and it is making a difference in every single school district. Perhaps we should look at using that type of governance for k-12 education.

Rep. Delzer: All the things that start the second year, if they're that good, why not start them the first year? If they are money issues is there anything in the bill such as a sunset clause in case something happens with the economy?

Rep. Kelsch: Not started the first year because we need to start slowly. It gives schools a heads up that it is coming. As a Commission we decided that we need to move slowly with these recommendations and implement the changes in a clear, concise manner. There are not sunset clauses because the legislature meets every two years which will be a year after the programs started, and then the legislature could stop those programs at that point.

Rep. Skarphol: I cannot find in the DPI budget, line items that delineate the REAs, assessments, career advisors.

Rep Kelsch: They are included in the state aid line.

Rep. Skarphol: There is nothing to preclude that money from being used for per pupil payments if someone so desired. If we do not fund the $118 million and we take some level funding away, someone will make the decision on how that money will be distributed and there is nothing here to define that REAs are guaranteed $2.6 million.

Rep. Kelsch: The REAs know it.

Rep. Skarphol: They may know it, but the law does not require it. There is a great deal of flexibility.

Rep. Kelsch: The way the money is distributed is laid out under the REA statue.

Lt. Governor Jack Dalrymple: It isn't. I can address that. The way the REA funding works, is first there is a base grant of $25.0 per REA. The rest of the money is earned by the REA by virtue of their ADM (Average Daily Membership). The money is forwarded to the REA by the DPI. So $2.6 million will be distributed directly to the REAs. He asked the Committee to look at the packet he distributed earlier (Attachment A).

This is the step that takes us to solving the legal issues of adequacy in school funding. Last time the primary emphasis was equity. That for all practical purposes has been laid to rest. Last year the Education Commission on the States gave their annual award to ND for innovation in school funding. The school funding lawsuit was settled on three conditions: Equity funding is achieved, which we have; the Commission continues to study the question of adequacy; and that the Commission presents their recommendations in the form of this bill draft. HB 1400 does three things: insures that the combined state and local funding meets the target level recommended by the nation's leading authority; it presents a blue print for the use of those funds; and it establishes a means to determine whether the desired student performance is being achieved.

Curriculum is an essential element of an adequate education. We don't know whether students who graduate are ready for college. The Commission believes the high schools need to move in the direction of a rigorous core curriculum. The motivation to do more in high school is missing. We think we need that incentive and to back it with money.

We are doing nothing to encourage adequate classroom instruction. We feel putting a first year teacher with an experienced teacher improves the quality of that first year teacher tremendously. It gives us a better chance of keeping that person in the teaching profession. We have a tremendous amount of attrition in the first five years.

Assessing student performance is very important. We're recommending a combination of formative assessments (MAP), ACT, WorkKeys, and SAT to really find out if we are making the grade nationally. We need to look at HB 1400 as achieving some important things for us. Lt. Governor Dalrymple reviewed the handout titled, "Recommended Budget Summary and Optional Funding Priorities" (Attachment B). All the items at the top of the page are built into the state aid line. They are broken down to prove to school superintendents that we are not giving them unfunded mandates. We are providing 100% funding for those new initiatives for adequacy.

I also want to bring up the status of education funding as the economic stimulus plan is concerned. We know there is a considerable amount of money but do not have the exact dollar details. We know there is a substantial amount coming out under Title I which is distributed on the basis of free and reduced lunch. We need to analyze that and see the base line for all schools in addition to poverty. We also know Special Education has a substantial amount of money and that has implications because our Special Education is built 75% in to our state aid formula. The other 25% is on the contract side. The stimulus package would back that up nicely with the amount of money we hear is coming. The contract side needs to be guaranteed, 1. On the contract side, we targeted the 1% that is most disabled. We changed the formula from 2.5 x to 4.5. At 4.5 we were over so we changed it back to 4. It's an issue because we asked the schools to raise the deductible in that area and pick up all to the cost up to 4x the cost of education. What they get in return is a guarantee that if they have a high cost student, they will get full reimbursement. Another problem, you have all the federal law supporting the education of that student. We invite legal issue if we underfund.

Rep. Nelson: The one area I have questions, is the Pre-K program which still has $1.5 million. I'm curious if that was part of that or if the idea of adequacy would be from k-12 standpoint. We

are creating a new tier. Was that part of the recommendations you received from the Commission?

Lt. Governor Dalrymple: Pre-K funding by the state is not an adequacy issue. We feel that it has paybacks in terms of the results in student performance and social needs. It's been amended into a pilot project. The Commission has made their recommendations.

Rep. Skarphol: In order to motivate students we put more money into this. What about money is going to motivate students?

Lt. Governor Dalrymple: That's a never ending question. We do feel if a student is interested in going to a four year college that $6000 will get their attention and they will think about whether they should take an extra year of math, career and tech ed course, etc. It's a very simple carrot approach. If you meet these and get the grades, you will be rewarded.

Rep. Skarphol: It may work for the above average student it may work. The average student is not all that motivated. How is it that we are achieving the motivation of the average student?

Lt. Governor Dalrymple: We are trying to turn more of those average students into something more than average. That becomes the challenge.

Rep. Hawken: A couple of the programs in here would help motivate students because the kind of teaching you have motivates students. Not everyone believes the early childhood education is a motivator, but almost to a piece the research that has been done says that we develop those brains at an earlier age they are excited about being in school thus they are motivated to achieve and to succeed. When you have fewer behavioral issues, the students all can achieve at a higher level. There are a number of components that are brought together in this bill are awesome as far as moving education forward way past adequacy. We talk about having quality education in the State of North Dakota. Several of the things in here are things that we have looked at for years and we have not ever had the ability to fund them. They are

starting slow—several of these are pilot programs. We will see as we move forward if we are smart enough to do this our education in this state will get better. We can truly say we have quality education if we do some of these things.

Rep. Berg: On the fiscal note and there is a deduct of $2. Million for the Special Ed Grants. Is there anything else we appropriate and say if there's nothing left, you can go to the BND?

Lt. Governor Dalrymple: The contract Special Ed payments are a grant line outside the main funding formula. If we appropriate $15.5 million for that and the cost ends up at $16.5 we run into federal case law and the fact that we have agreed that if the school districts pay more we will cover the costs. There is nothing else in the state budget like that. We need to ensure that that does not comes up short. The first time we changed that to 4.5x we ran over and had more money available then was necessary.

Rep. Berg: Is that why you are pulling $2 million out?

Lt. Governor Dalrymple: That's correct.

Rep. Wald: What is the total increase for the coming biennium for HB 1013 and HB 1400 combined and how much of an increase over the present biennium?

Sheila Sandness: I would have to do some number crunching.

Rep. Berg: I think it's a 14.6% increase just using the general funds.

Lt. Governor Dalrymple: It is clearly a large increase and a large amount of money. This is the moment when we achieve adequacy and put that issue to rest. If we do get to a place where the state is covering 70% or roughly 2/3 the cost of education through this bill and property tax relief, we will have achieved a great thing – adequacy in education and a reduction in the burden on the property tax payer.

Rep. Delzer: The $2 million you are taking out of Special Ed, that's the $2 million being directed in 55 for the REAs?

Lt. Governor Dalrymple: No. That is being directed to cover the state aid formula in the current biennium.

Rep. Delzer: Why did we not tap stabilization fund for state aid distribution instead of the BND? I think that's in the $40 million range.

Lt. Governor Dalrymple: The Foundation Aid Budget Stabilization Fund can only be accessed by a drop of a certain percentage of state revenues overall and does not relate directly to the funding of the school funding formula.

Rep. Pollert: In the DHS budget last biennium, in the DD line item, we had an item put in that they could borrow from the BND. They didn't need it, but when we got this year's budget in HB 1012, they said they had to have it for the increased cost of providing DD services. If you look at the green sheet on HB 1012, they used the $3.5 million for increased costs to providing services. I'm wondering if that will be related to what we have here.

Lt. Governor Dalrymple: It a little different situation. The contract side of Special Education is a formula; it's like a deductible on an insurance policy. It is controlled somewhat by what we believe to be happening. If the cost of taking care of those disabled students goes up, ultimately that comes back to us.

Rep. Skarphol: I'm assuming that what you are saying is the $3.5 million is being added to the baseline even though it was never utilized. If is not used, why was it added to the baseline?

Rep. Pollert: It was added to the GF baseline so it shows as a zero fiscal effect. When we asked how it is there, it is just there. It increased the DD costs which had to be covered in the baseline budget through GF.

Rep. Hawken: I move a Do Pass on HB 1400.

Rep. Meyer: Second.

Rep. Nelson: I have an issue with the early childhood education program and would like to offer an amendment to remove Section 40 of the bill and add the $1.5 million to the transportation line. We have a bigger responsibility to make whole the programs we have now before we start funding new programs that are not part of the adequacy study.

Rep. Hawken: We have added another $5 million in HB 1013 for transportation. That's a lot.

Rep. Nelson: That's a contingent.

Rep. Skarphol: I like Rep. Nelson would have liked to have had a little while to analyze the net effect of this with the budget. I have not had the opportunity to study the engrossed bill.

A roll call vote was taken: Yes: 15, No: 9, Absent: 1 (Kerzman)

Representative RaeAnn Kelsch will carry the bill.

Date: 2/16/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number ———

Action Taken Do Pass

Motion Made By Hawken Seconded By Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich		✓			
Rep. Skarphol		✓	Rep. Kroeber	✓	
Rep. Wald		✓	Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein		✓			
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch		✓			
Rep. Pollert		✓	Rep. Ekstrom	✓	
Rep. Bellew		✓	Rep. Kerzman	—	
Rep. Kreidt		✓	Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 15 No 9

Absent 1

Floor Assignment Rep. Kelsch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Eleventh order on the calendar.

2009 SENATE EDUCATION

HB 1400

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 9, 2009

Recorder Job Number: 10461, 10491

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1400. All members were present.

Representative RaeAnn Kelsch testified in favor of the bill. The bill is the product of the work of the Governor's Commission on Education Improvement. The commission worked on equity last session and on adequacy this session. There is a little of everything in this bill and it is a very good product. It includes rigor for our students, professional development for our teachers and new tools for our students and teachers. If the Senate Education Committee has questions about the changes made in the House Education Committee, she will be happy to sit down and discuss them.

Representative Monson testified in favor of the bill. He was a member of the Governor's Commission on Education Improvement. The commission has spent a lot of time developing this bill. It is the final piece in what is needed to solve the lawsuit dilemma. It addresses increased rigor, changes graduation requirements and increases teacher professional development and mentoring.

Representative Wall testified in favor of the bill. See written testimony.

Representative Mueller testified in favor of the bill. In North Dakota we are doing OK in public education. We are average or slightly above average in ACT scores. The question is, "Is that

good enough?" He is among those who think it is not. If you do what you always have done, you can't expect a different outcome. We will see a significant improvement in education with this bill. It will improve our students' readiness for college. With some of the initiatives in the bill, we won't know if they work until we try them.

Senator Holmberg testified in favor of the bill. It still has a long path. Some portions of the bill have a lot of support, some still require some work. With 18 years as a high school counselor, he has some experience to contribute.

Senator O'Connell testified in favor of the bill. Success is never final but failure can be final. There are a number of new things in the bill and change is difficult. Four legislators served on the commission with no pay. There has been a lot of compromise in the development of the bill.

Lt. Governor Jack Dalrymple testified in favor of the bill. He took the committee through the bill and used his Bill Summary as a guide (the Bill Summary HB 1400 is attached).

Section 1, was implemented for several reasons: 1. School counselors require a master's degree and are in very short supply, 2. The experts hired to advise the commission (Picus and Odden) said this form of student support is essential to providing student success and performance and there are statistics nationwide to support this, 3. Employers have been after the state government to produce high school graduates that are better prepared to go into the workplace after graduation or after a 2 year college program. There have been questions about this section adding costs. He has an analysis that shows in the vast majority of cases this will take a portion of a person's time, perhaps one period a day. A school would need 1200 ADM to need 1 FTE.

Section 2, the counselor's association in the house recommended the career advisors should be fully certified before they begin.

Section 3, they have learned the most effective career development is with an in-school setting with interaction with other teachers.

Section 6, contains another new concept. Anita Thomas created a term "student performance strategist" which could be a tutor or an instructional coach. In 95% of the cases, it would be a tutor. In some cases, though, a tutor may already be supplied with Title 1 funds and additional tutors would be illogical, thus the new term. With K – 3 students who are struggling, especially with reading, the use of a tutor is very effective and prevents them from becoming low performing students for their whole high school career.

Section 7, the REA's did not get the extra $1 million from contingency money this biennium that they thought they would receive. The commission thinks they need $3 million.

Section 8, the trend is to in-school activities. The schools need to become proactive in bringing forward ideas. Right now, there is tremendous diversity of opinion as to what is effective professional development.

Section 9 was added by the House Education Committee.

Section 10 is a flexible approach, fine arts does include music and career and technical training.

Section 11, the Work Key test was developed by the folks at ACT for students who plan to enter the workforce soon after graduation and can be taken at any Job Service office in North Dakota.

Section 13 fits in well with SB 2062, Opportunity Grants. The appropriation will have to be resolved; there is $4 million in SB 2062.

Section 14, Lt. Governor Dalrymple provided a comparison chart of North Dakota Curriculum Requirements which is attached. There is no tiered diploma in this bill. A student can achieve

scholarships with extra work. There can also be an alternative curriculum which is explained in section 14.

Section 15 is a House amendment.

Section 16 is a rewrite and clarification. In grades 5 – 9, social studies and science are now eligible for summer school.

Section 17, MAP (measures of academic progress) is an interim assessment that is used widely in North Dakota now. It can be easily administered and gives immediate feedback. It is a very useful tool and the commission wants to see it used in every school district. It is used by about 85% now.

Section 18, the experts told the Governor's Commission on Education Improvement that the career counseling activities should be linked to this assessment. There are three that can be used: 1. "Choices" administered free through the Bank of North Dakota, 2. "PLAN", a precursor to the ACT test and 3. The pre SAT. They will test interests and attitudes, give a list of recommended careers for which the student is well suited and can be used by the career advisors.

Section 19 generated many meetings. This testing will be done to determine whether school districts and students have succeeded in aligning with the state plan. This is the only way for policy advisors to determine if we are succeeding.

Section 20 is a House amendment and the commission concurs it is appropriate.

Section 21, after considerable study the commission determined the least proficient English language learners are definitely higher cost and the factor was raised to .20. Another category was added at a factor of .05 and the level 3 and higher would be .02. This is an increase of 55% over the current biennium and is a significant, meaningful increase. Item 4, the .20 factor for early childhood education was removed by the House and went to a pilot program. Item 6

is new; it is a .05 factor for free and reduced students. The evidence presented by the experts is very strong, the students in free and reduced cost more to educate, statistically. The economic stimulus bill will give $113 million in federal funds to North Dakota school districts, to be distributed in Title 1 so there is a tremendous amount of money coming in 2009 – 2011. Title 1 is primarily distributed according to the free and reduced lunch eligibility. That raises the question of whether on this factor, we might want to look at an implementation date because we know this area will be well funded in 09 – 11 at least. Item 7 is the factor for REA's, $2.8 million.

Section 22, the per student payments are different for the two years of the biennium because a number of initiatives begin in the second year of the biennium.

Section 23, adjusts the minimum guarantee per student. The commission did dozens of runs with this to test the levels. With the $113 million economic stimulus program impact, we may want to take it into account to determine proper state budget levels. If the committee does make adjustments in state aid, they will also need to see how the changes affect the minimum guarantees.

Section 24, SB 2199 passed the Senate. Senator Cook also asked for consideration of another category of outside income that comes to school districts that is similar to property valuation, which is how we determine imputed value for the equity formula. Mobile home fees are considered to be in lieu of property tax. The commission did not include them two years ago because they were not confident the receipts were available to Department of Public Instruction on a timely basis. They have now been informed that the tax department and Department of Public Instruction are comfortable that they can get the information on a timely basis.

Sections 25 and 26, the Governor's Commission on Education Improvement tries to remove any impediment to reorganization and dissolution.

Section 29, the commission exists to help the legislature do its job more effectively. The commission can continue to be of service. The role of the commission will become less and less weighty as we solve the problems they have been working on.

Section 30, we are spending about $15.5 million, and that may be appropriate. It may be necessary to make a slight adjustment.

Section 31, is required for Head Start, whether or not we go ahead with pre – K.

Section 34, may or may not be required with a pilot program which would not be funded on a per student basis. The pilot program may require some enabling language.

Sections 35 – 40 were added by the House for the pre – K pilot program. The commission recommended a factor.

Section 41, the language was originally in HB 1013, the Department of Public Instruction budget, it was reshuffled in the House. The commission learned from Picus and Odden that states who intend to improve student performance must take steps to improve classroom instruction. We do nothing in this area now. The most highly effective method to improve teacher quality is mentorship where experienced teachers serve as mentors to first year teachers. There are multiple benefits: 1. First year teachers can improve their skills quickly with a small amount of assistance, 2. Retention of first year teachers is improved. We have tested mentoring in North Dakota , a $500,000 program in the first biennium that was administered by ESPB. There was payment of expenses plus a small stipend outside the salary schedule. The program had very positive results.

Section 42, this is a step forward in a more challenging but very important area. Coaching is effective. We have very little going on in this area now.

Section 43, $2 million more in transportation was added by the House, $5 million was recommended by the commission. The rates in the bill have not been adjusted. If the Senate wishes to leave the added $2 million, the mileage and rates need to be adjusted.

Section 45, the commission recommended all buses with capacity of 10 or more be compensated at 81 cents per mile. It shouldn't matter where the bus is travelling. 90% of the money in this area goes to rural districts, it seems fair to use the same rate.

Section 47, some REA's out west have very low ADM, this would let them start with $25,000.

Section 48 was added for a school district south of Bismarck that ran into a special problem regarding the minimum payment calculation. They received an unusually high year of federal impact aid in 2006 – 2007 which resulted in their baseline being higher than normal. The remedy gives them a 2 year average of 2005 – 2006 and 2006 and 2007. The commission felt this was a special situation and should be remedied because the minimum guarantee goes on forever.

Section 49, the funds were converted into contingency funds for transportation so if the Senate wants money for deferred maintenance grants, it needs to be made compatible with HB 1013.

Section 50 is a special, one time provision that allows the surplus funds from special education contract funding for 2007 – 2009 be available to augment the state school aid line in the current biennium. Normally intention has been to allow transfers to be pooled together to support the school aid line. With the change in the special ed, there was no provision made for surplus funds, we have never had surplus funds in the past. It appears special ed will be about $2 million long this biennium and state aid will be about $2 million short.

Section 52 raised a list of questions in the House. This is a unique situation with special ed contracts. We must fund special ed fully by federal law. When it comes to the contract side of special ed, we have a contract with the school districts who have agreed to pay the deductible

of 4 times the excess cost in exchange for the guarantee the state will pay the excess costs. That is equivalent to a contractual agreement. He doubts if the formula would be off by more than $.5 million. It is important we are not short.

Section 54 is a House amendment, the commission concurs it is needed.

Lt. Governor Dalrymple submitted written testimony regarding the HB 1400 and adequacy of school funding which is attached.

He also distributed information on the economic stimulus money and the break down by school district which is attached. The initial handouts were incomplete and he supplied a corrected version to the committee later in the day. $113 million of the $151 million is to be distributed to the districts on the basis of Title 1 for 2008 - 2009. There is a long list of very small school districts, about 20, that receive nothing whatsoever. In order for a school district to qualify for Title 1funding in the first place, it must meet a minimum level of eligibility. The student body is scored according to the number of students in free and reduced lunch and the number of families living in poverty and the number of children in foster care. That statistic produces the FTE student count and it must equal at least 10 in order to be eligible for any Title 1 funds . This appears to be a problem. While it might not matter if a school district receives a small amount of Title 1 funds in the first place, when you multiply that by 4 times, it becomes a significant loss. At the bottom of the list , school districts with even a small amount of Title 1 funds coming in, it still produces a payment of nearly $500 per student. Initially they thought all of the funds could be taken into account . They have since learned the supplemental Title 1 column, school districts may have less flexibility that they initially thought. The funds must be used in the Title 1 area. There may be some schools that would have to initiate new activity to qualify for these funds. That is a concern and they will continue to study it. The second columns, the state fiscal stabilization funds, are entirely unrestricted, flexible, discretionary

dollars. Virtually every school will receive $350 per student and that quickly gets higher and higher. The most fortunate schools tend to be the reservation districts and they will receive many thousands of dollars per student. We may want to look at a special one time, two year provision for the small schools. It does seem somewhat unfair.

Senator Bakke asked on page 6, section 6, the student performance strategist, that is required to be 1 FTE per 400 students, is that state funded?

Lt. Governor Dalrymple said yes, all the new initiatives have received added funding in the state aid line.

Senator Bakke confirmed that would include the ACT, SAT or Work Keys, would it also include the annual assessment in section 17?

Lt. Governor Dalrymple said there is funding for the summative assessment , the career interest can be done through a free assessment with the "Choices" program so there is not funding for that. The interim assessment cost is extremely low and virtually all school districts are doing it today.

Senator Bakke asked when looking at ELL funding, the federal government has distinct categories set up, do they line up with the levels in 1400?

Lt. Governor Dalrymple asked if there is one factor in particular that she is questioning.

Senator Bakke said the federal government has very distinct categories for funding ELL, does this align with those categories.

Lt. Governor Dalrymple said the intent of 1400 is to follow the new state testing tool that Department of Public Instruction currently uses to testing ELL students. The categories are intended to match up with the three levels. The commission expects the levels to be applied according to that test. The test is not a federal test but it is recognized nationally and was chosen by Department of Public Instruction as a good test.

Senator Bakke asked with the special ed factor, about what percentage will be paid for special ed.

Lt. Governor Dalrymple said the factor is .067.

Senator Bakke said what percentage of the total cost is now being paid.

Lt. Governor Dalrymple said .07 is a modest increase. On the contract side we are improving somewhat by dropping the multiplier a bit. It is not a dramatic increase. In terms of relation to total cost, they suspect in regard to the factor for regular special ed students, it may be on the low end of the scale. A lot of the national studies indicate special ed students number more than 7% of the population. It is important to note the economic stimulus bill includes $27 million for special education districts.

Senator Bakke asked why there are no teachers on the Governor's Commission on Education Improvement.

Lt. Governor Dalrymple said he knows Senator Bakke has asked this before. The real reason for the establishment of the Governor's Commission on Education Improvement was to settle a lawsuit. The commission is a balance of legislators, school administrators and business managers who understood very well the issues of school funding. The commission does include a representative of the North Dakota Education Association who does a very good job pointing out the concerns of teachers throughout each meeting.

Senator Bakke said she agrees completely. Her concern is when the commission gets into curriculum and adequacy, we need to consider some of those players. Regarding deferred maintenance and physical plant improvement grants, was the money taken out on the House side?

Lt. Governor Dalrymple said as he understands it, $2 million of contingency funding for deferred maintenance was switched over to $2 million of contingency funding for

transportation. 1400 still contains the deferred maintenance language and therefore it is in a state of limbo.

Senator Bakke asked if it is possible to put some stimulus money in the category for deferred maintenance.

Lt. Governor Dalrymple said no, the fiscal stabilization money is distributed to school districts for their use. Among those uses would be school improvements and maintenance but that decision would be made by the local school board. They have talked about some way to encourage the school districts not to increase their baseline funding too much and use some of the extra dollars, particularly the dollars that go beyond $500 per student, in one time categories. Right now he is not sure we have that authority. There may be a way to make it happen. Right now, as he understands it, this is a direct distribution to school districts.

Senator Taylor asked regarding REA funding, did we have an example in the past with funds be allocated to the REA's and then not getting there. The $25,000 baseline, did it used to be at a higher level?

Lt. Governor Dalrymple said there has not been baseline funding of REAs in the past. Some of the 8 REAs would have liked there to be baseline funding. Regarding the method of distribution, it is similar to special education districts. The amount of money is based on enrollment of the participating schools. Once it is calculated, it goes from Department of Public Instruction to the special ed district and this would be the same method.

Senator Taylor asked regarding section 19, what is the per test cost of the ACT test and is the state about 80 – 90% ACT now, how many students are taking the Work Keys now?

Lt. Governor Dalrymple said about 85% of all graduates currently take the ACT. Work Keys could fill a lot of the 15% gap, for the students who do not intend to go to college and have no

reason to take the ACT today. It is a tool that is recognized by employers. There is a $35 base cost for the ACT, there are elective sections that cost more.

Senator Taylor asked if a student elects to take the ACT a second time to improve his score, perhaps for a merit scholarship, is that at the expense of the student?

Lt. Governor Dalrymple said yes.

Senator Taylor asked if our colleges have a minimum ACT score for admittance.

Lt. Governor Dalrymple said no, there is not a hard and fast requirement, there is a guideline. There is talk that UND and NDSU should have a minimal ACT requirement, it would be one of many ways to improve the transfer of students from our high schools to our colleges

Senator Lee said he knows the House changed the early childhood education programs from a weighting factor to a pilot program. In the summary regarding the adequacy requirement for meeting the lawsuit, Pre – K is not mentioned. Where does the commission see that in relation to the consultants' report on the importance of Pre – K programming.

Lt. Governor Dalrymple said the commission would say Pre – K is not necessarily an adequacy issue in a court of law. The commission did recommend moving forward on it because the consultants say it is traceable to student performance, not only in elementary school but through the high school career. Student performance becomes a measure, ultimately, of adequacy.

Senator Bakke said the House took Pre K funding from $2.5 million to $1.5 million. Is he comfortable with it at that level?

Lt. Governor Dalrymple said the commission recommended a factor for 2 half days because they thought it would be better for each school district to make their own decision. The pilot program is a different approach, it is supported by those who are professionals in that field who feel it is better to guide a few schools. It was a difference of opinion.

Senator Bakke asked about the discussion in the commission on alternative high schools.

Lt. Governor Dalrymple said alternative high schools are an important tool in the state system. It is important in preventing drop outs which is the worst thing that can happen to any student or to any school. It is the ultimate failure. The commission looked at the factor and felt we are not out of line with other states or actual costs.

Doug Johnson, North Dakota Council of Educational Leaders, testified in favor of the bill. See written testimony. He was a non- voting member of the Governor's Commission on Education Improvement.

Wayne Sanstead, State Superintendent, Department of Public Instruction testified in favor of the bill. See written testimony. He also distributed a brochure "In North Dakota Graduation Pays" which is attached. ACT scores in North Dakota are higher than the national average but lower than other regional states. North Dakota's economic growth means our students need to be better prepared. South Dakota is in the middle of the lawsuit issue now. At 11:00 AM this morning he has a conference call with the federal Education Department regarding the formula parts of the stimulus funds and their distribution. He supports the recommendation of Wayne Kutzer of including Career and Technical Education on the commission in the future.

Senator Flakoll asked for a copy of the number of ELL students per category that he would anticipate for the bill as drafted and a copy of the federal regulation requiring the early childhood council.

Wayne Sanstead said Mari Rasmussen will provide it.

Senator Lee asked if the Childhood Education Council is required by the federal government . Does Department of Public Instruction already have many of those components in place and this would be a duplication?

Wayne Sanstead said we are required for preschool, 4th grade and above, to have such a commission, it is especially important now with the federal funding coming with the stimulus funds.

Jon Martinson, North Dakota School Boards Association, testified in favor of the bill. See written testimony.

Dakota Draper, North Dakota Education Association President, testified in favor of the bill. See written testimony.

Paul Johnson, Superintendent of the Bismarck Public Schools, testified in favor of the bill. See written testimony. Regarding Senator Taylor's question about baseline funding for REAs, the larger REAs are in favor of per pupil funding, the others favor baseline funding. The Governor's Commission on Education Improvement mediated and came up with a compromise that was acceptable to all. He strongly supports the continuing work of the commission and the addition of Higher Education to the commission. He doesn't think Pre – K will be entirely sorted out by the end of the session, there is a lot of work to do in the alignment of K – 12 and Higher Education. It will be a while before we know the effect of some of the things we are trying such as coaching. Hopefully the economic condition of the state will continue and the commission is a good way to decide where the increased state funding should go in education. Senator Taylor asked about stimulus funds, where would they be spent in his district. We would not want to supplant any formula dollars with the stabilization dollars. Will schools naturally tend towards infrastructure and energy efficiency spending?

Paul Johnson said they have a strategic plan for improving student performance and the stimulus money is going to be welcome in implementing the plan. Some of the money is required to be spent in 2 years and he does not believe they could use it to staff up. The

reality is that districts like Bismarck will have to look to modernization and deferred maintenance to spend the money effectively.

Jack Maus, Superintendent of Grafton Public Schools testified in favor of the bill. See written testimony.

Wayne Levang, Executive Director, North Dakota Small Organized Schools, testified in favor of the bill. See written testimony. He has a suggestion to help tweak the bill. He would recommend a rate of $1.05 for large buses and 55 cents for small buses and to leave the 22 cents per student rider.

Paul Stremick, Superintendent, Dickinson Public Schools, testified in favor of the bill. See written testimony.

Wendy Sanderson, President of Dakota TESL, testified in favor of the bill. See written testimony.

Debby Marshall presented the testimony of Allison Dybing-Driessen. See written testimony.

Bev Nielson, North Dakota School Boards Association, testified in favor of the bill. See written testimony.

Kelvin Hullet, Bis Man Chamber of Commerce, testified in favor of the bill. The interaction between business and education is important. Science, math and technology are integral. He likes the career advisors and merit scholarships and putting a business representative on the commission. Regarding the optional high school curriculum in section 14, he has a child that is a senior in high school who has never liked school and is very artistic and expresses his art in carpentry where he does exceedingly well. The optional curriculum would be good for him. We will need vo tech training for technical careers.

Chairman Freborg recessed the hearing until 15 minutes after the end of the floor session this afternoon.

After the recess, written testimony was submitted by Janet Placek Welk and Jeb Oehlke who could not attend the afternoon hearing. It is attached.

Mari Rasmussen submitted the data for the North Dakota Language Learners Level of Proficiency and it is attached.

After reconvening, Wayne Kutzer, Director, Department of Career and Technical Education, testified in favor of the bill. See written testimony.

Senator Flakoll asked if he offered the amendments contained in his written testimony on the House side.

Wayne Kutzer said yes.

Senator Flakoll asked why the House didn't like them.

Wayne Kutzer said the House used some of his recommended amendments. All the suggested amendments are very important.

Senator Flakoll asked about the scholarship requirements on page 11, lines 27 – 29. People keep referring to a score of 20 on the Work Keys test, the bill requires a score of at least 5 on each of the three Work Key assessments. What is the difference.

Wayne Kutzer said the actual number is 15. 20 was in the original bill, he is not sure where that number came from. There are three assessments in the Work Keys test. ACT has set the gold level on each of the assessments as a score of 5 on each. A score of 4 on each is the silver level.

Michel Hillman, Vice Chancellor for Academic Affairs, North Dakota University System, testified in favor of the bill. See written testimony.

Senator Bakke said the bill has a scholarship for high end children. Are there excess scholarships at some levels and a void at other levels?

Michel Hillman said we have a small amount invested in scholarships and grants as a state. All such monies are used every year and there is latent demand for both merit and needs based scholarships and grants. With the ACT cut score in the bill, they estimate 25% of North Dakota high school graduates would qualify, it is difficult to estimate on the technical side. The desired impact of the program is to get more students to qualify.

Senator Lee said in the scholarships, we could have 10,000 to 12,000 students that we would be paying for during the course of the year at $1500 per year.

Michel Hillman said roughly 2500 students per year, the first year would be $1500 X 2500 students = $3.3 million. The first biennium would be about $7 million. If you grow the program, and students are allowed 6 years to complete their college education, with a maximum of $3000 per student, there could be as many as 10,000 to 12,000 students in the program at one time. It could grow to $15 - $18 million program.

Senator Flakoll asked how many students we will pick up with the Work Keys test.

Michel Hillman said they asked ACT for the probability of scoring 3 5's on the test. They have not received a clear answer yet. They are estimating 25% would qualify. There is nothing to prevent students from trying to qualify for both the academic and technical scholarships and working it both ways.

Senator Flakoll asked if he knows the non duplicated numbers.

Michel Hillman said the Work Keys test is relatively new and relatively new in North Dakota so there is no track record. The maximum score is 7. Their best answer is 25%.

Senator Flakoll asked if it would be 25% plus 25%.

Michel Hillman said no, 25% overall.

Senator Lee clarified the $15 - $18 million per year after 6 years would be an ongoing amount.

Michel Hillman said yes, every year.

Warren Larson, citizen and educator, testified in favor of the bill. He testified on his own behalf. See written testimony.

Senator Flakoll said he holds Mr. Larson in high regard. He has earned the right to think this through. How do we ensure the labs are fixed up, that truly onetime expenses are paid with the stimulus money when we have little or no control over it.

Warren Larson said that is a legitimate concern. We will see significant tracking of the dollars. They can't go to repeatable costs that cannot be sustained. The federal stipulation is very specific.

Senator Flakoll said the template could be to spend the money on whatever they please then blame the state when we cannot continue those programs. What suggestions would he have to be sure there is a more holistic approach taken.

Warren Larson said it will be tracked from the federal level. It needs to be tracked at the state level as well. It will help assure the workers have jobs and improve the quality of education in the state.

Sandy Clark, North Dakota Farm Bureau, testified against the bill. She thanked the commission for their time and commitment. They have no policy for most portions of the bill. Regarding preschool education, they love children but their policy says preschool and day care should be privately funded. When do parents have responsibility to care for their own children, when can kids be kids? The bonding between parent and child in early learning is very important. Kindergarten started as a grant program and North Dakota Farm Bureau opposed it and now kindergarten is offered all day, every day and there is a bill for compulsory kindergarten. Will preschool be next? With the cry for property tax relief, now is not the time to add preschool programming. They think it will increase property taxes. Sometimes we can't

afford everything we want. One of their members intended to come to Bismarck to testify but with the storm coming, he could not leave his ranch.

Senator Flakoll asked for Warren Larson to return to the podium. He asked Warren Larson, educational expert, what could be done in 4 partial days of professional development. Why is this an important change and what is the value?

Warren Larson said when he was in Williston, they had a very successful professional development program. They would start about 2:30, go until 4:00 and try to do it once a month. It made measureable differences with their kids. They made a one year plan in a sequential manner. They made some significant changes for their teachers. If you could take a half day, you could even do more. There is so much that could be done. We need to help our staff grow in their abilities to work with kids. Teachers are taught subject matter in college but they are not taught how to work with kids. Kids are changing at a phenomenal rate and the way of approaching them is becoming more and more difficult. We have to get the latest and greatest ways to reach them.

Senator Flakoll said there is a lot of confusion regarding the difference between mentors and coaches.

Warren Larson said he worked with the mentor program quite a bit and it is very solid program. They found, as a side benefit, some of the veteran teachers gained a lot from working with new teachers. The mentoring program can really do a lot for the new teachers and can also help some of the seasoned teachers. He has used an instructional coach program twice. They used it to increase their math scores and once to bring up their reading scores. In their most recent work, they hired an instructional coach to work half days in one school, they moved the reading level of their students from 65% in third grade to 95% in sixth grade in three years.

They were able to use aggregate data, they were able to go into classrooms and help those teachers learn different techniques and it made a significant change in just three years.

Chairman Freborg closed the hearing on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 10, 2009

Recorder Job Number: 10610

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1400. All members were present.

Senator Freborg said it does not look promising to get an extension, the committee will need to get the bill out next Monday.

Senator Freborg took the committee through the bill section by section to determine which sections they are looking at for amendments.

Section 1, Senator Bakke wants to wait, it might be an easy fix, she needs to do some research.

Section 2, Senator Bakke has something.

Section 3, Senator Flakoll wants to wait.

Section 4 is ok.

Section 5, Senator Bakke needs time.

Section 6 is ok.

Section 7 is ok.

Section 8 is ok.

Section 9, Senator Bakke needs time.

Section 10, Senator Bakke needs time.

Section 11, Senator Lee needs time.

Section 12, Senator Lee needs time.

Section 13, Senator Lee needs time.

Section 14, Senator Lee needs time.

Senator Flakoll said the language draft for HB 1435 could replace parts of Section 15.

Senator Bakke said we could take it out and put it into 1435. There is also a bill on personal finance which is also in 1400.

Senator Flakoll said there is one personal finance resolution.

Senator Taylor said we could delete section a and leave the rest.

Section 16 is ok.

Section 17 is ok.

Section 18, Senator Flakoll has a minor amendment.

Section 19 is ok.

Section 20 is ok.

Section 21, Senator Bakke needs time.

Section 22 will be whatever is in on the last day of the conference committee. Senator Freborg said we can't deal with it today.

Section 23, Senator Lee needs time.

Section 24, Senator Freborg and Senator Flakoll need time.

Section 25 is ok.

Section 26 is ok.

Section 27 is ok.

Section 28, Senator Flakoll needs to check with Department of Public Instruction on a modified formula.

Section 29, Senator Freborg needs time.

Section 30, Senator Bakke asked where the residing issue comes into the package with high needs.

Senator Flakoll said these are special ed contracts.

Senator Taylor said he has a meeting with some people from Dunseith on this subject on Tuesday.

Senator Freborg said he hopes we still have Tuesday to work on the bill.

Section 31, Senator Lee and Senator Freborg need time.

Section 32, Senator Lee needs time.

Section 33, Senator Lee needs time.

Sections 34 – 40, Senator Lee needs time.

Section 4, mentoring, Senator Lee wants to wait.

Section 42, Senator Freborg needs time.

Section 43, Senator Taylor needs time.

Section 44, Senator Freborg wants to check on federal money. He won't support it if they push federal dollars in here.

Senator Freborg said the stimulus money is to inject into the economy, to replace other money with it just isn't right.

Senator Taylor said yesterday Lt. Governor Dalrymple said the stabilization money will be decided by the school districts. We won't have a role in the distribution.

Senator Freborg said he is not sure what we can do. We can't keep new Title 1programs going after 2 years.

Senator Bakke said relative to the 70% of new money from the Governor, it can't be 70% of stimulus money, we cannot sustain it.

Senator Freborg said we need to clarify that.

Senator Flakoll said he needs to be convinced we are comparing apples to apples.

Senator Flakoll said section 44 a and b, 2199 is subject to the language and that is not the intent of the bill.

Section 45, Senator Taylor needs time.

Section 46 is ok.

Section 47, Senator Taylor needs time.

Section 48, Senator Flakoll needs something from Department of Public Instruction that confirms this is their new base for Selfridge.

Section 49, Senator Bakke said the House took the money out, this may be a place for stimulus money but we would need the language.

Senator Flakoll will get an amendment to return to the original language.

Section 50, Senator Flakoll said it is for the current biennium, it allows for special education contracts provision, we need this to account for the contract surplus.

Section 51 is ok.

Section 52 is ok.

Section 53, Senator Bakke wants to wait. Senator Flakoll said it should be clean, ELL is now all test based.

Section 54, Senator Flakoll want to wait.

Chairman Freborg closed the discussion on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 11, 2009

Recorder Job Number: 10677, 10737

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1400. All members were present.

Senator Bakke said someone brought to her attention that on page 14, the summer school section, the bill refers to the wrong section of code. She distributed Bakke Amendment 3 to correct it.

Senator Bakke moved Bakke Amendment 3, seconded by Senator Taylor.

The Bakke Amendment 3 passed 5 – 0.

Senator Bakke distributed Bakke Amendment 2. This came from Val Fischer, Department of Public Instruction. She received an email from Val Fischer which is attached.

Senator Bakke moved Bakke Amendment 2, seconded by Senator Taylor.

Senator Lee said the bill outlines what we want taught . The amendment may or may not be what we want taught.

Senator Bakke said there is no difference, the health standards are listed in code. Department of Public Instruction does not want to have to change code every time they change the standards.

Senator Lee said perhaps we want control over the list.

Senator Taylor said he does not know the history of what happened in the House. We could just delete b and do the same thing.

Senator Bakke read the email from Val Fischer (attached). The intent is to get a report. By eliminating b we would not get the report. Having a laundry list in the Century Code means we will have to update the code frequently.

Senator Lee said he does not disagree. We are using someone else's list. Health education topics can cover a wide spectrum, here we know what we have.

Senator Bakke said the list is not all inclusive. She prefers to look at the content standards which are always changing and are kept current.

Senator Freborg asked for a copy of the standards.

Senator Bakke said she would get them. (attached)

Later in the afternoon, Senator Flakoll said his intent with the amendment is with respect to the 70% language, the federal dollars would not be subject to the 70% unless supplanted on a dollar for dollar basis for local dollars.

Senator Flakoll moved amendment .0512, seconded by Senator Lee.

Amendment .0512 passed 5 – 0.

Senator Bakke said we can't use stimulus dollars to supplant.

Senator Flakoll said then it won't be a problem.

Senator Bakke reminded the committee there is a motion on Bakke Amendment 2. The standards are based on national standards based on what the experts in the field say needs to be taught. They are going to be more inclusive than the laundry list of categories listed presently in the bill. The standards are an ever changing document so when we find another area of concern, they are added.

Senator Lee said if we are going to have language in the bill, he prefers what already exists in 1400. He likes North Dakota's laundry list as compared to the list provided by the national concerns.

Senator Bakke said the standards are North Dakota standards that are done by North Dakota Department of Public Instruction and teachers.

Senator Freborg said perhaps we could get some insight into why subsection b doesn't refer to the standards, was this done intentionally?

Anita Thomas said the references in 1 b were topics that were brought up during the course of the interim study.

Senator Bakke said in the bill it refers to the content standards for high school education courses and then they list the things they have taken out of these standards. It would be difficult to change the code every time the standards were updated.

The Bakke Amendment 2 failed 2 – 3.

Senator Flakoll said amendment .0504 relates to page 15, section 18. It requires the career interest inventory to be taken in the 7th or 8th grade and then again in the 9th or 10th grade.

Senator Flakoll moved amendment .0504, seconded by Senator Lee.

Senator Flakoll said it should be provided twice so kids can really consider where they are headed.

Amendment .0504 passed 5 – 0.

Senator Freborg asked if section 18 now ok?

Senator Bakke said she has something more coming for that section.

Senator Bakke moved Bakke Amendment 1, seconded by Senator Taylor.

Senator Bakke said she has been contacted by fine arts teachers who want one credit assigned strictly to fine arts. It takes one elective and requires it to be in fine arts. It could be music, drama, film making, anything in the fine arts.

Senator Taylor said this would be a diploma requirement rather than a "made available" part of the curriculum. He will have some schools where music is the only fine arts class available. They would not have any other options.

Senator Bakke said it could be visual arts like art, drawing, painting, pottery, dance. The thought is to make our young people more well rounded.

Senator Flakoll said in the interim, Senator Taylor's thoughts were brought forward. We could be putting small schools in a pinch and taking away their flexibility. For the first time we are pushing as a focused elective some of the fine arts area. Maybe that is a happy medium for everyone. We have all received emails or letters from teachers championing their area of teaching. He appreciates it because that is their passion, it is what they value. The focused electives are designed to work both sides of the brain.

The Bakke Amendment 1 failed 1 – 4.

Senator Flakoll distributed amendment .0503. It refers to page 14. Per the committee discussion, there is the provision for the Constitution and the Declaration of Independence that we have put into 1435. The amendment deletes section 15.

Senator Flakoll moved amendment .0503, seconded by Senator Lee.

Senator Bakke asked what happens to health education, the consumer finance course and the annual report. Are these items in the other bill?

Senator Flakoll said no, the Schatz/Mueller bill, 1435, deals with content standards for social studies, the constitution and Declaration of Independence and the Bill of Rights. There is also a resolution coming relating to personal finance. Department of Public Instruction has many

things to do and we do not need them to provide us with yet one more report. The content standards would be out.

Senator Bakke said by removing section 15, he is eliminating the report to Legislative Council, is that the intent?

Senator Flakoll said yes.

Senator Bakke said why put it in if we are going to take it out?

Senator Flakoll said section 15 was put in by the House, it was the dust bin.

Amendment .0503 passed 3 – 2.

Senator Lee distributed amendment .0510. It relates to sections 34 – 40. It removes the new language for early childhood education.

Senator Lee moved amendment .0510, seconded by Senator Flakoll .

Senator Lee said he realizes it is deemed important by some people but he thinks we are going too far too fast. We have just now mandated kindergarten, at least in the bills that are passing through the chambers. These sections are premature and he wants to see them removed.

Senator Flakoll asked if a school district, Dickinson for example, could still receive funds to run a program as they do now.

Senator Lee said the intent is to take out the new language and leave the current language.

Anita Thomas said that is what the amendment does, the law returns to where it is today.

Senator Bakke said in testimony Allison Diebing said there is a federal requirement for the advisory council. Would this put our federal funds in jeopardy?

Anita Thomas said the required council is still in the bill in section 31.

Senator Bakke asked if section 39 would be in or out.

Senator Lee said it would be out. Section 31 is the council that meets the federal standard.

Senator Flakoll said section 31 would not have to list the governor's appointees. He can appoint whoever he wishes.

Senator Lee said that is correct, in section 31 the federal standards require a – f, the governor can choose his appointees and he chose 13 of them.

Senator Bakke said she understands Senator Lee's thoughts about moving too fast but most states are way ahead of us. We have a chance to provide good quality service to our citizens. At the very least, we should keep section 39, so at a local level they could choose to put together an advisory board and start looking at this and designing something for their district. Ignoring things that are happening, doesn't stop them from happening. Early childhood education is coming. She is tired of North Dakota always being the last one on the block to get their act together. We need to start taking a lead. In this case we would not be leading, we would be following the pack.

Amendment .0510 passed 3 – 2.

Senator Freborg went through the bill with the committee to see what sections still need work.

Sections 1 and 2, Senator Bakke wants some time.

Section 3, Senator Flakoll wants held.

Section 4 is ok.

Section 5, Senator Bakke wants held.

Sections 6, 7, 8 are ok.

Sections 9 and 10 are ok now.

Section 11, Senator Flakoll and Senator Lee are waiting.

Sections 12 and 13 will be taken together.

Section 14, Senator Freborg wants held.

Section 15 is gone.

Section 21, Senator Bakke wants held.

Section 22 will be adjusted, no amendments.

Section 23 is ok now, Senator Flakoll wanted to confirm that Selfridge has been rebased. He checked with Jerry Coleman and everything is fine.

Section 24, Senator Taylor said we heard in testimony that Senator Cook has one more revenue source he wants included, mobile home fees.

Senator Lee said another bill makes mobile homes real property rather than personal property.

Senator Flakoll said it is a change in property tax vs. transmission authority. We need to remind Senator Cook to get it to us, he will remind him.

Sections 25, 26, 27 are ok.

Section 28, Senator Flakoll had questions on page 24 lines 8 and 9 which is a change. Jerry Coleman answered his questions and it is ok now. Senator Freborg said he needs some time on this section.

Section 29, Senator Bakke has amendments.

Section 30, ,Senator Taylor has arranged a meeting on Tuesday and may have amendments to this section after the meeting if we still have time.

Section 31, Senator Freborg wants it held.

Section 32 is ok.

Section 33, Senator Flakoll will have amendments.

Sections 34 – 40 are out.

Sections 41 and 42, held for Senator Freborg.

Section 43, Senator Taylor wants it held.

Section 44, Senator Lee wants it held.

Section 45, Senator Taylor wants it held.

Senator Flakoll said he asked Jerry Coleman to give us more numbers with respect to the bill before us. The 81 cents per mile rate does not reflect the new $2 million. He has requested a new rate, for large school buses only.

Senator Freborg confirmed we would not change the numbers.

Senator Flakoll said he would have an amendment to change the rates but is waiting to hear from Jerry Coleman.

Section 46 is ok.

Section 47, Senator Taylor has a simple 2 number amendment.

Senator Taylor distributed 2 handouts, a list of the REAs with their enrollment and square miles and a map showing the service territories of the REAs. Both are attached.

Senator Taylor said some REAs are small and some are big. The baseline is proposed to be $25,000 per REA. He would propose changing the baseline to $50,000 to cover some of the overhead costs. Another place in the bill there is formula funding at .004, we could do a slight adjustment upward to $3.2 million.

Senator Taylor moved the Taylor Amendment (on page 36 line 25 to overstrike $200,000 and add $400,000 and on line 27 to overstrike $25,000 and to add $50,000), seconded by Senator Bakke.

Senator Flakoll asked if his intent it to keep the level at $3 million. The bill that is before us has $2.8 million on the weighting factor and $200,000 on the baseline.

Senator Taylor said as the amendment stands it would be $3 million total, $2.6 million on the weighting factor and $400,000 on the baseline.

Senator Freborg asked if Senator Taylor was thinking of going to $3.2 million.

Senator Taylor said that is a debate for another day.

Senator Flakoll said he has mixed thoughts on this. We got into a box on this with the $25,000 per year. He thinks it comes to $3.2 million with the amendment. We may need to clarify it.

Senator Lee asked if the grants and the state aid line item totals $3 million.

Senator Taylor said yes.

Senator Lee confirmed the amendment is not adding more dollars at this point, just up fronting more.

Senator Taylor said exactly. We want the REAs to be successful. Not all have a large population. There are fixed costs out there and the baseline helps with them.

The Taylor amendment passed 4 – 1.

Section 47, Senator Flakoll wants to wait.

Section 48, Senator Flakoll is ok now.

Section 49, Senator Bakke said she wants to wait.

Senator Freborg asked the committee to have their amendments ready for the next meeting at 8:30 AM on Monday.

Chairman Freborg closed the discussion on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 10980, 10981, 11063

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1400. All members were present.

Senator Freborg said as of this morning, the Senate Education Committee has not received an extension for this bill so it will need to be out of committee today.

Senator Flakoll introduced amendment .0516. The amendment changes the rate for large busses to 86 cents per mile which takes into account the $2 million added in the House.

Senator Flakoll moved amendment .0516, seconded by Senator Lee.

Senator Taylor confirmed that adding $2 million results in an increase of 5 cents per mile on the large busses.

Senator Flakoll said yes, according to Jerry Coleman.

Amendment .0516 was adopted 5 – 0.

Senator Flakoll introduced amendment .0514, dealing with deferred maintenance.

Senator Flakoll moved amendment .0514, seconded by Senator Lee.

Senator Bakke asked if this would be in place of deferred maintenance.

Senator Flakoll said there is no money in deferred maintenance at this time. This has a provision for $10 million.

Senator Taylor asked if there is a match provision.

Senator Flakoll said there should be.

Senator Taylor asked if the school district could use stimulus dollars for their match.

Senator Flakoll said stimulus money or other money could be used. The intent is for a match by the school district, the same as the current biennium. After consulting with counsel, Senator Flakoll said the match is in the main part of the bill.

Amendment .0514 passed 5 – 0.

Senator Flakoll introduced amendment .0515 which allows per diem to be paid for legislators that serve on the early childhood education council.

Senator Flakoll moved amendment .0515, seconded by Senator Lee.

Senator Bakke asked if other members will receive a per diem.

Senator Flakoll said they are reimbursed for expenses, this would be per diem.

Amendment .0515 passed 5 – 0.

Senator Flakoll introduced amendment .0528. The amendment would require the Superintendent of the Department of Public Instruction to send a notice to the superintendents of each school district and the chairman of each school board to notify them that the federal stimulus money should be used for one-time expenditures and that the state of North Dakota is not responsible for replacing those funds for the next biennium. It also requires the school district to place the notice twice in the official newspaper of the district.

Amendment .0528 passed 5 – 0.

Senator Bakke introduced amendment .0523. When the Governor's Commission on Education Improvement set up ELL categories, they set up three and it should have been two. A message was sent with someone to the meeting but the message did not reach the meeting. She has visited with Senator Flakoll about the categories: 1. Students with no English and 2. The remaining ELL students.

Senator Bakke moved amendment .0523, seconded by Senator Taylor.

Senator Flakoll asked if this change is just for ELL, not the at risk category.

Senator Bakke said there wasn't supposed to be a change in the at risk category. Senator Bakke said there is an increase in special ed in the amendment and it was supposed to be in a separate amendment.

Senator Flakoll said the special ed amount is the same.

Senator Bakke said it was part of the renumbering, to put the 2 ELL categories together in the bill. The only numbers that are changing are for ELL and they combined two categories into one.

Senator Lee said it removes some language proficiency approved by superintendent in "I". Was it not necessary?

Senator Bakke said it is not necessary for the determination. With these two categories, it is something Department of Public Instruction automatically does as a part of putting students in the categories.

Amendment .0523 passed 5 – 0.

Senator Bakke introduced amendment .0524. It changes the wording relative to career advisors. The counseling community felt there had to be some supervision by professional counselors from a liability standpoint. This provides for supervision by professional counselors. You don't have to hire additional counselors. If a small town has a career advisor they would be in contact with another counselor that could perhaps be arranged by the REA. This counselor would be a resource and a mentor and would do some supervision. It lists preferable majors for the career advisors. The counseling profession prefers the language in the amendment on page 6 line 12. The counseling profession is afraid kids will be stuck in front of a computer so they want to eliminate "computer based career guidance" on page 6

line13. They also prefer the guidance counselor sit down with the student rather than the career advisor.

Senator Freborg asked if Senator Bakke sat down with Wayne Kutzer on these amendments. He has some amendments from Wayne Kutzer that are similar. He promised Wayne Kutzer the committee would take up his proposed amendments when he is present and he has a meeting this morning.

Amendment .0524 failed 2 – 3.

Senator Bakke introduced amendment .0522.

Senator Bakke moved amendment .0522, seconded by Senator Taylor.

The amendment adds a Career and Technical Education teacher to the Governor's Commission on Education Improvement. It also adds a teacher to the commission and takes the superintendents down to two. The business manager is no longer needed because the commission is not working with the formula as much anymore.

Amendment .0522 failed 2 – 3.

Senator Bakke introduced amendment .0521.

The amendment changes the weighting factor for special ed from .07 to .08. The state needs to be aware that probably the next lawsuit will be in the special education area because of the lack of funding. Everybody knows that. We are very low in our payments for special ed. The amendment will increase spending for special ed by about $1 million.

Senator Bakke moved amendment .0521, seconded by Senator Taylor.

Senator Flakoll asked Jerry Coleman, Department of Public Instruction, to come to the podium to answer a question about the fiscal impact of the amendment.

Jerry Coleman said the amendment takes special ed from .067 to .08 which would add about 2500 weighted student units.

Senator Flakoll calculated that would be about $6 million.

Senator Bakke passed out a summary from Department of Public Instruction that shows the impact of her amendments (attached). She said she read the wrong column. However, Jerry Coleman's scenario takes special ed from its current level of .067 to .08. She is proposing a change from the .07 in the bill to .08 and that change would not be as large.

Jerry Coleman said that is correct.

Senator Taylor did the math and said it would add about $6.5 million per biennium.

Amendment .0521 failed 2 – 3.

Senator Bakke introduced amendment .0520 which changes the weighting factor for alternative high schools from .25 to .30. Alternative high schools can be very successful for the child that does not learn in the traditional manner. It is an increase of about 20% in funding.

Senator Bakke moved amendment .0520, seconded by Senator Taylor.

Senator Flakoll asked the cost of the amendment.

Senator Bakke referred to the handout from Jerry Coleman.

Senator Taylor said it would add $125,000 annually.

Senator Flakoll said he would like better feedback from the administrators of these schools to see where we are relative to their costs.

Senator Bakke said alternative high schools use an individualized approach and need more paras. There is an elevated cost for more staff to interact with students.

Senator Flakoll said these students would be eligible for the at risk factor.

Senator Bakke asked if the at risk students are usually in the younger grades.

Senator Flakoll said it is based on free and reduced.

Senator Bakke said some students at an alternative high schools are not from homes with socioeconomic issues. Some are girls who are pregnant, some are in trouble with the law, and some cannot handle 5 subjects at a time.

Senator Flakoll said the at risk category is not limited to free and reduced and can be for all grades. Students can be at risk academically.

Amendment .0520 failed 2 – 3.

Senator Taylor discussed Taylor Amendment 1, an amendment to add $4 million for transportation. We heard creative ideas in testimony from the small organized schools such as the state paying 70% of the cost of transportation. He worked on an amendment to that effect but it got fairly involved. He thought the simplest way is to put an additional appropriation in section 43. 70% of the cost of transportation would be $1.05 per mile. Last year the cost was $1.72 and this year the cost is $2.05. Senator Flakoll said this morning that $2 million adds 5 cents to the rate. It should add a dime to the rate and put us at $.96 which is below the hopes and aspirations of the small schools.

Senator Taylor moved the Taylor Amendment 1, seconded by Senator Bakke.

Senator Freborg asked what the total dollars would be for transportation.

Senator Taylor said $13 million additional over the last biennium.

Senator Flakoll said it is $11 million additional, there is $5 million in 1013 and there is $6 million in this amendment.

The Taylor Amendment 1 failed 2 – 3.

Wayne Kutzer, Director of Career and Technical Education came to the podium to answer questions.

Senator Freborg asked for a brief explanation of the proposed amendments.

Wayne Kutzer said the first proposed amendment adds the department of Career and Technical Education to the commission as a voting member.

Senator Lee moved the Kutzer 1 amendment, seconded by Senator Flakoll.

Senator Flakoll said this is an appropriate amendment based on the future interim agenda of the commission. It is very timely. The commission needs to continue to evolve.

The Kutzer 1 amendment passed 5 – 0.

Wayne Kutzer discussed Kutzer amendment 2. The amendment removes section 2 from the bill. Section 2 refers to the provisional status that the agency can grant for career advisors as they come through the system. Currently, after 2 years, that provisional status would be removed and they would no longer be able to offer provisional status for career advisors. They think it is a very useful tool and provides some flexibility to schools and to the agency to help get these individuals in the schools. Many times there are openings right before school begins and if that were the case and a school needed to have a career advisor in place, it would take until second semester to get that person trained and certified. The training is 120 hours for national certification and 30 – 40 hours of state training. The provisional status helps them get going in the classroom and they are monitored and mentored so they are effective in the classroom. The role of the career advisor is to work in career management and to help students with the online system, they do not have a very intense role with students.

Senator Bakke said by removing section 2, are we saying there would be no requirements for qualifications of career advisors and we just hope they will be trained.

Wayne Kutzer said no, the intent is to pattern after the process to provisionally certify instructors. They certify all trade and industry people going into the classroom. They provide up front training and a yearlong mentorship program.

Senator Bakke asked if the career advisors would be under the supervision of a professional counselor.

Wayne Kutzer said yes, that is in the legislation now.

Senator Flakoll said he can't support the amendment. Without section 2, where would they have the authority to provide provisional certification?

Wayne Kutzer distributed a hand out (attached) listing the duties and powers of the Career and Technical Education Board. Number 8 gives them the authority to work with the certification process of instructors. We could add career advisors to number 8 if that would be more palatable.

Senator Flakoll asked Anita Thomas to come to the podium.

Senator Taylor asked if the primary reason for the amendment is because the language is good for only two years.

Wayne Kutzer said that is correct. In two years they would not have the tool.

Senator Lee clarified that with removing section 2, Career and Technical Education would still have the authority for provisional certification.

Wayne Kutzer said yes, due to the duties and powers of their board in setting the qualifications.

Anita Thomas, Legislative Council, appeared to answer questions.

Senator Flakoll said if we remove section 2, would Career and Technical Education still have the authority to provide a provisional licenses or do we need to change something somewhere else.

Anita Thomas said if section 2 is removed, there is nothing that gives them authority to have a provisional position. Section 2 does not describe a program that goes away in two years; it

gives an individual two years to gain certification as a career advisor. Career and Technical Education cannot extend an individual's provisional certification beyond two years.

Senator Flakoll asked for her preferred method to approach this, either leave section 2 intact or add career advisors to subsection 8.

Anita Thomas said if you go into subsection 8, it authorizes Career and Technical Education to prescribe the qualifications and provide the certification of teachers, directors and supervisors. You could add career advisors to that. However, you would be giving up some of statutory references to the individual requiring a baccalaureate degree and 5 year employment history.

There was no motion on the Kutzer amendment 2.

Wayne Kutzer said the Kutzer 3 amendment comes from a meeting with two school counselors, one from Bismarck and one from Jamestown. They had concerns about the language in the bill and they prefer the language in the amendment. It does not impact the duties of the career counselors.

Senator Flakoll said we had a similar amendment earlier today with more language, to eliminate the use of computer assisted guidance systems. Do we need those systems?

Wayne Kutzer asked if the amendment would have taken away the last sentence.

Senator Bakke said using the computer is part of exploring career opportunities. By putting it in the bill, she is concerned that some people would just stick the child in front of a computer and that is all they do. She thinks it's implied in the language that technology can be a part of it and we do not need the reference to computer assisted guidance systems. She also questioned whether we need to include 6th graders in the middle school settings.

Wayne Kutzer said because of federal funding they limit their work to grades 7 – 12. In the middle school situation they don't tell a counselor they can't work with a 6th grader. We have a great system in the state funded by Bank of North Dakota called "Choices". The commission

thinks it is very important. It is such a great tool; we want to make sure the schools use it. They hear from counselors that they do not have the time or take the time to use it. If there is a career advisor in the school, it would be one of their requirements to access that system and provide that needed information to students.

Senator Bakke moved the Kutzer 3 amendment, seconded by Senator Taylor.

Senator Flakoll said he has some questions on the wording of the amendment. It might require another try to get the intent right. He recommended we hold this to see if we can come up with better language.

The motion to pass the Kutzer 3 amendment was withdrawn.

Senator Flakoll moved amendment .0527, seconded by Senator Lee.

Senator Bakke said the schools are constantly criticized for taking over the role of parents and now we are asking them to provide health insurance information? We feed them in the morning; we feed them before they go home. This is not the role of the schools.

Senator Flakoll said he has been working with the Department of Human Services and they have had some good discussions. A number of schools already provide this information to their students and their families. We need a simpler form; it is now 8 pages long. We need the process to be more streamlined and make more assertive efforts to get as many informed of the SCHIP program or other programs as possible. We do not get as many kids signed up as we need to. This is an effort to reach an increased number of students who are eligible whose parents do not know about the program.

Senator Bakke said if the paperwork to do this isn't developed yet, should we do a study?

Senator Flakoll said there is paperwork; we can do a better job of aligning the two departments to reduce some redundancies to make it easier for parents to learn about it and to sign up for it. It is a voluntary program. The form is very discouraging as it is currently written.

Senator Taylor asked what the requirements are for free and reduced lunch as opposed to SCHIP? Could that be the avenue?

Senator Flakoll said he has had those discussions with Senator Judy Lee. The challenge is the state program is net income with the SCHIP program with deductions to income that are not necessarily considered for free and reduced such as day care. It doesn't align perfectly with free and reduced. It would be nice if you qualify for one, you qualify for both. SCHIP would have to be dramatically changed, though, and our program has a lot of good things that other states' don't.

Amendment .0527 passed 5 – 0.

Later in the morning, Senator Flakoll presented the Flakoll amendment. There was one technical correction; it takes out the word "curriculum" since the school districts control the curriculum, not Career and Technical Education. Wayne Kutzer agreed to the new language and has reviewed the amendment.

Senator Flakoll moved the Flakoll amendment, seconded by Senator Lee.

The Flakoll amendment passed 5 – 0.

Senator Lee introduced amendment .0506. It deals with section 29, the commission on education improvement. The commission has done an awful lot of good work. It may be time to change the mix of the commission, to get fresh ideas. The amendment would allow the chairman of the Legislative Council to make some of the appointments rather than the Governor.

Senator Lee moved amendment .0506, seconded by Senator Flakoll.

Senator Taylor said he does not see a burning need for this. Both offices are political. It is ok for us to intermix with the executive branch from time to time on education issues and having

the governor make the appointments is one opportunity we have to work together. The process has worked ok as it is.

Senator Lee said he agrees, the process has worked reasonably well in terms of what has been accomplished. This would give an opportunity for the legislature to become the policy making branch and work through some of the issues. Going forward, the role of the commission is going to change, the policy making branch is well suited to make some of these appointments.

Senator Bakke said she has one concern, we do not want a completely new group starting every time. The only ones, with the amendment, that cannot serve more than one interim would be the superintendents.

Senator Lee said that is correct.

Senator Bakke said there would be no limit for the chairs of House or Senate Education Committees, or the legislators, yet the only people we have on the commission that have anything to do with education in a professional sense are the superintendents and we are only going to let them serve one interim.

Senator Flakoll said as he reads it, it would affect 2 people. One of these will not be here to serve. There have been some transitory changes to the commission, especially with Paul Stremmick, who started originally as the representative from Grafton who then moved to Dickinson who then was in an ex-officio capacity because he had significant knowledge of funding formulas. Then after Wayne Larson left, Paul Stremmick took over in the capacity of representing the large school district and with the changes he is going through, he will not be available to serve on the commission. There would be the remaining people that would represent North Dakota Council of Educational Leaders , North Dakota Education Association, Superintendent of Public Instruction, the Governor or his designee, the North Dakota School

Boards Association, there would be a fairly rich sense of history as far as experienced members. He is not worried about that.

Senator Bakke said they are non voting members. We have a Governor's Commission on Education and there are no professional educators, teachers, on the commission. It would be like saying we are going to have an American Medical Association but we are not going to put any doctors on there. Now the only people on the commission with day to day interaction with schools, the superintendents who rarely step into a classroom and teach...you are taking the people out of the commission who need to be at the table.

Senator Lee said those people are still on the commission. The people who are being suggested to be term limited have already turned over for the most part.

Senator Flakoll said the commission has a good following, people who would be eligible for these three positions, who attend a lot of meetings. They have a sense of what has happened. The results speak well for the work the commission has done. We need to look at the evolutionary process. It is a good move to have the Commissioner of Higher Education involved. We want the education community to feel a sense of equity, that these are not lifetime appointments.

Senator Bakke asked why there is no term limit for the legislators.

Senator Flakoll said the chair of the Senate and House Education Committees are elected by the people. It is also important to look at the continuum of what we want to do. The bills will always come before the House and Senate Education Committees and it makes it easier if we have someone from the committee that is involved at the table for the commission. They can help carry the message and explain why things were done in a certain way. Last session, after the hearing on 2200, he went through the bill section by section for three days, to be sure everyone on the committee knew and understood what was in the bill.

Senator Taylor said he won't support the amendment. Maybe it depends on recent history but he feels the chairman of Legislative Council is much more political. Governors represent a broader constituency across the state and are less political. This would be a step in the wrong direction.

Amendment .0506 passed 3 – 2.

Senator Lee introduced amendment .0505. The commission has done good work. It was the intention to stay the lawsuit and deal with equity and adequacy and that has been accomplished. The amendment would sunset the commission on December 31, 2010 and give us an opportunity at that time to look at it again.

Senator Lee moved amendment .0505, seconded by Senator Flakoll.

Amendment .0505 passed 3 – 2.

Senator Flakoll distributed amendment .0518 which was drafted by Senator Cook because he was originally looking to put them on 2199. In conversations, it seemed more appropriate, if we are looking at what we count as a school district's revenue, that it be incorporated into this bill. It would add a couple of categories that were not able to be determined before but now, according to the Tax Department and others, they can have a determined amount. It includes mobile homes and telecommunications taxes collected in lieu of property taxes and electric power.

Senator Flakoll moved amendment .0518, seconded by Senator Lee.

Senator Taylor asked who does this impact. Senator Flakoll may not know since it is not his amendment. Whose valuations will go up as a result of this. Will it be subdivisions with large mobile home populations? Where are the districts with excess electrical power payments in lieu of taxes? If it was truly a big part of equity, this would have come to the table two years ago.

Senator Flakoll said it wasn't included last session because they didn't think at the time they could glean those numbers off. Now they are able. We have made some changes with respect to how some of these are taxed and where they go, as far as transmission tax vs. property tax. None of us know to what extent it might affect a district and maybe that is one of the beautiful things about it. We don't look at spread sheets and say this affects my district. We are doing this in the purest form, saying we think everything in terms of property taxes should be included and this is a category that had not been included before because of the aforementioned problems. Senator Cook did say that statewide, the valuation is $8.5 million for the mobile homes which is "chalk dust" when you look at the overall valuation of property across the state of North Dakota. Arguably, every school district has some mobile homes. To what extent, we don't know and that is probably ok.

Senator Taylor asked on the electrical power transmission generation, does that have anything to do with the bill that is also moving through at this time on the possible restructuring of how we tax Rural Electric Cooperatives, a pretty widely supported bill.

Senator Flakoll said yes.

Amendment .0518 passed 4 – 1.

Senator Flakoll distributed amendment .0508 that deals with expense and per diem payments for legislators that serve on the commission. Everyone on the commission will continue to receive expenses. The change would be legislators that serve would be paid a per diem and the member that is an owner of a business located in North Dakota would be paid the state rate per diem. Everyone else that serves on the commission does so as a part of their job. He has discussed this with the commission.

Senator Flakoll moved amendment .0508, seconded by Senator Lee.

Senator Bakke asked for a clarification of the member that is an owner of a business.

Senator Flakoll said a member has been added to the commission that is an owner or manager of a North Dakota business. They would also receive the per diem because it is not part of their normal job.

Senator Taylor asked if there is nowhere else in the bill that deals with per diem payments, even to the legislative members. Is this already in the bill?

Senator Flakoll said there was a hiccup last session where they thought certain people were getting a per diem and they weren't so those hard working individuals served this interim without per diem payments.

Senator Taylor said he can see that.

Amendment .0508 passed 5 – 0.

Senator Freborg reviewed the sections of the bill and asked the committee if they intended to amend the sections and closed those sections for which no amendments would be coming.

Senator Flakoll asked to wait on sections 3, 11, and 21. Section 22 will be adjusted when we are finished with the bill but won't be amended. After reaching section 27, Senator Freborg recessed the meeting for lunch.

(Audio file 11063 failed until 37:18)

After the recess, Senator Freborg continued to review the sections of the bill. Senator Lee has an amendment for section 29. Senator Taylor has a meeting tomorrow that may deal with section 30, he hopes he can resolve the issue without an amendment. Senator Taylor wants to hold section 43. Senator Lee wants to wait on section 47. The remaining sections are ok.

Returning to the open sections, Senator Freborg asked Senator Flakoll about section 3.

Senator Flakoll recommended the committee move on to the next section.

Senator Freborg asked about section 11. Senator Flakoll said he has an amendment coming, it will be very simple.

Senator Flakoll introduced the Flakoll amendment to reorder certain sections of the bill. He would like to group the sections that deal with diplomas together and the scholarship sections together. He would propose the sections go in this order: section 10, section 14, section 11, section 12, and section 13.

Senator Flakoll moved the Flakoll amendment (reorder sections), seconded by Senator Taylor.

The Flakoll amendment (reorder sections) passed 5 – 0.

Senator Flakoll confirmed that section 14 is now ok.

Senator Flakoll asked to wait on section 21.

Senator Lee asked to wait on section 29.

Senator Freborg reviewed further sections with Senator Flakoll holding on sections 41, 42 and 43 and Senator Lee holding on section 47.

Senator Lee said the committee previously amended section 47 with direct payments to the REAs. After the fact, Senator Lee realized the committee made an error.

Senator Lee moved the committee reconsider its action by which it passed the Taylor amendment, seconded by Senator Flakoll.

Senator Lee said he misread the bill when considering the Taylor amendment. It says during each year and he thought it was for the biennium. The bill calls for payments to the REAs of $200,000 per year and he would like to leave it as is.

Senator Taylor said the motion to reconsider would reopen debate on the amendment and he urges the committee to fail the motion to reconsider.

The motion to reconsider passed 3 – 2.

Senator Lee said the discussion at the time was for the biennium and the actual amount was for $200,000 per year of the biennium and that is appropriate.

Senator Taylor said it was his intent to pay grants to the REAs of $50,000 per year which would total $400,000 per year. It would fund close to 1 FTE. There are inequities in student population numbers. Some REAs have 4300 students, some have 29,000. Those with 29,000 students have vastly more resources. In the North Central REA, schools are paying into the REA, Rugby pays $10,000. In the Mid Dakota REA, schools don't have to pay. In the South East REA, the school districts pay $1000. The grants are one way to achieve equity.

Senator Bakke said her REA is doing fine.

Senator Flakoll said the weighting factor, just confirmed with Jerry Coleman of Department of Public Instruction, the .004 is subject to the small school weighting factor. In some areas, there is some balance, that is the beauty of REAs.

Senator Taylor said he still thinks it is inequitable.

The Taylor amendment failed 2 – 3.

After a short break, Senator Flakoll introduced amendment .0530. The amendment does a couple of things. 1. The question was asked regarding the mentorship program. The mentors are used for first year teachers. There have been questions from the smaller school districts who have indicated they have the same teachers for a long time so how does mentorship help their teachers? In the event a school district does not have new teachers, the amendment would permit them to work with ESPB and use the equivalent dollars for instructional coaches. 2. It limits stipends to mentors and/or coaches, those who are being taught would not receive stipends. 3. ESPB administrative costs are limited to no more than 5% of the $2.3 million.

Senator Bakke asked if he was changing the mentorship program and changing it so if they don't have new teachers, they would have an instructional coaching program. What is happening with section 42 which is instructional coaches?

Senator Flakoll said there will be another amendment.

Senator Bakke said there is $500,000 for the instructional coaches program, is he going to put that money into the mentoring program to accommodate the additional people?

Senator Flakoll said we would now pay the mentors and coaches but not the first year teachers.

Senator Bakke said she agrees, the mentees (first year teachers) do not need to be paid, oftentimes additional opportunities are given to them to apply for credit for receiving the mentorship. She has a problem with who is to determine the non-new teachers need assistance? Is administration going to decide? Is it going to be a teacher request? Is it going to be a peer recommendation? There is such a thing as peer coaching which is a proven, research based method.

Senator Flakoll said there will be some savings with administration. He has issues sometimes with what districts would get these funds and this amendment would certainly expand that. Certainly school administrators would be involved in this in conjunction with ESPB.

Senator Bakke confirmed that if a district has new teachers, the new teachers are provided with a mentor by the coordinator. If a district does not have new teachers, they will train experienced teachers. Would the experienced teacher or mentor coordinator determine what fellow teachers need mentoring? That is an administrative role, they are trained to do the supervising, they are trained to do the evaluations. It is not the role of teachers. It would cause all sorts of problems with experienced teachers pointing out which of their colleagues need help. It can be handled through staff development, administrative evaluations. There is already a process in place in most districts.

Senator Flakoll said administration would have a big role in this. On a one on one basis, the ESPB coaches would determine what individuals need. It would be a layered approach as far

as determining the needs. They can help identify the needs but the school administration has the big say as far as if they are going forward with it.

Senator Bakke asked what is the point of staff development.

Senator Flakoll asked if she means the professional development day or days?

Senator Bakke said the point of professional development days is to identify the areas of weakness and needs in the staff and provide training in those areas. There are professional learning communities where they meet on a one to one basis or in a small group to work on those things. That is part of staff development. Mentoring is a very prescriptive, formal process. None of it is supervisory. It's a relationship.

Senator Flakoll said he thinks we are using different terms for the same thing. Mentors in the bill only work with first year teachers. Coaches work with more advanced teachers. He would equate the teacher improvement person described in the amendment to more like the peer coach but it would be approved by ESPB.

Senator Bakke asked if he is adding another level? We are going to have mentoring and peer coaching and also administration identifying what teachers need assistance? Peer coaching is confidential, administration is not involved. She doesn't understand how he is going to set this up and maintain the integrity of those types of programs.

Senator Flakoll asked if she doesn't like the instructional coaches in section 42?

Senator Bakke said she will need an explanation of the instructional coaches. She understood when a school district has a new curriculum, the instructional coach is responsible for training the teachers in the new curriculum. Does administration identify teachers with problems and recommend them for instructional coaching?

Senator Freborg said the committee will break until Senator Flakoll and Senator Bakke can strike a compromise.

Senator Freborg recessed the committee until 4:30.

After the break, Senator Bakke discussed amendment .0530 with changes. Teacher improvement is changed to "teacher support system". In subsection 2 , the beginning of the second line, add "ESPB"; after the second line add: "work with school district administration to". It may be teachers who have been put on an improvement plan, it may be teachers who have requested assistance, it may be teachers who have been identified by administrators.

Senator Bakke moved amendment .0530 with changes, seconded by Senator Flakoll.

Senator Taylor said he missed this part of testimony, is the ESPB board ready to do this?

Senator Bakke said Janet Welk was there but was not able to testify. She has talked to Senator Bakke numerous times about it and yes, they are already working on it. This would just give her more guidance.

Amendment .0530 with changes passed 5 – 0.

Senator Flakoll distributed amendment .0526, the intent is to hog house section 42. One of his concerns is that it is limited to only 3 grants for instructional coaching. This sets up a long term, sustaining fund for a national teacher certification program. The interest would be used for grants for teachers pursuing national board certification, limiting it to $2500. As a condition of the grants, they would then be required to mentor or coach so a significant number of school districts could be impacted rather than just 3 school districts.

Senator Flakoll moved amendment .0526, seconded by Senator Lee.

Senator Bakke asked what happens to the current section 8, does it become section 9?

Senator Flakoll said yes, renumber accordingly.

Senator Bakke confirmed this removes section 42.

Senator Flakoll said that is correct.

Senator Bakke asked what happens to lines 1, 2 and 3?

Senator Flakoll said we still need the appropriation. He asked Anita Thomas to come to the podium to answer questions.

Anita Thomas, Legislative Council attorney, said section 42 becomes an appropriation section of $500,000 for ESPB to create the National Board Certification fund. The fund then becomes the bank account, the interest and income is used to support the National Board Certification efforts. So section 42 becomes significantly changed.

Amendment .0526 passed 5 – 0.

Senator Flakoll introduced amendment .0532 that relates to scholarships, it changes the names of the scholarships. There is some concern that the name is more zealous than we needed. The scholarships would be called the North Dakota Career and Technical Education Scholarship and the North Dakota Academic Scholarship.

Senator Flakoll moved amendment .0532, seconded by Senator Lee.

Amendment .0532 passed 5 – 0.

Senator Flakoll said he is done with the scholarship section.

Senator Flakoll said he reaffirmed today with some school administrators that were here that there is a concern about ending fund balances with the stimulus money that is coming to some school districts. There may be a need for two year moratorium on the ending fund balance language or some other solution. We will have to come back to it before the session ends. We do not want to have unintended consequences. Everyone believes ending fund balance language is fine up until this year, we are living in a different funding scenario right now. Some monies may be coming in at a time when the school districts could not possibly obligate the dollars prior to the cutoff date for ending fund balance language. It is something we are going to have to keep track of.

Senator Flakoll said he had no more amendments for today, some more for tomorrow.

Senator Lee said he has one more for tomorrow.

Senator Freborg said we will get the bill out before noon.

Anita Thomas said it will take her office 8 hours to do the drafting. A hog house amendment would be quicker for Legislative Council but more complicated for appropriations.

Senator Freborg said we will do a hog house amendment.

Chairman Freborg closed the discussion on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 17, 2009

Recorder Job Number: 11074, 11154

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1400. All members were present.

Senator Flakoll introduced amendment 0502, dealing with section 3. The amendment would do two things: 1. It adds a legitimate contact day to the school calendar and 2. It adds one professional development day (to those allowed in current law).

Senator Flakoll moved amendment .0502, seconded by Senator Lee.

Senator Bakke confirmed that the amendment would increase the student contact days, keeping them at 174.

Senator Flakoll said that is correct.

Senator Bakke confirmed the amendment would add one professional development day.

Senator Flakoll said he is adding what he considers a legitimate contact day.

Senator Bakke asked what is not a legitimate contact day.

Senator Flakoll said when part of the day is comped, when there is a partial day, there is some concern.

Senator Taylor asked the cost of an extra day on the calendar.

Senator Flakoll said there is a cost that would be in the fiscal note but the assumption is the money would be taken out of the $115 million.

Senator Bakke asked if he is removing lines 28 – 31.

Senator Flakoll said that is correct.

Senator Bakke asked if he was removing the language in part B which gives the half day opportunities for professional development.

Senator Flakoll said they are somewhat undefined. A lot of people would read them that they are hour and a half professional development periods.

Senator Bakke confirmed there would be no opportunity for early dismissal of students for staff development.

Senator Flakoll said they could split the one additional professional development day into 4 hour blocks. As the bill came to us there is a concern...is this an hour and a half, how much actual professional development time is it? It also clears up concerns as to what do you count as an actual contact day.

Senator Taylor said to understand the money issue, what does a day on the calendar cost? It used to be a couple of million if we were to fund one independently. If we take it from the $110 - $115 million in the governor's proposal we are looking at the schools doing more with less. Does he have a firmer handle on the cost?

Senator Flakoll said it is subject to what you count. Some items are fixed costs. There would be additional costs due to staffing, transportation. The estimate would be $3.68 million; it starts the second year of the biennium.

Senator Bakke confirmed that now we have 2 staff development days, the amendment would take it to 3. The amendment eliminates the opportunity to take 4 days and make them partial days in order to do staff development.

Senator Flakoll said yes. Now they can take 4 days and count them as contact days, not professional development days which seems a little sketchy. The amendment would permit the staff development to be in 4 hour blocks as opposed to 1 ½ hour or 2 hour blocks.

Senator Bakke asked if a school district would have the option of taking the 3 staff development days and have them as 6 half days.

Senator Flakoll said yes.

Senator Bakke asked if they could use the 3 days in any configuration they so choose or do they always have to be half days. Could they do an early 1:30 dismissal and do 1 ½ hours of staff development.

Senator Flakoll said no. Current law states that 6 hours count as 1 day of staff development and 4 hours count as a half day.

Senator Bakke said she wants to know what the administrative group thinks.

Senator Freborg said the intent was to not dismiss at 1:30 or 2:00 or 2:30 and have staff development. We have identified the 4 hour blocks as what we want. We did it two years ago. That is the reason for the amendment.

Senator Bakke said sometimes the model for staff development that works well is a full day at the beginning of the year where a new concept or method is introduced and then there are opportunities for the staff to get together throughout the year to discuss how it's working in the classroom. Sometimes these conversations only require 1 ½ hours. The smaller units allow the meetings to occur more frequently throughout the year. She doesn't have any problem with 4 hour staff development blocks as long as they are used appropriately. She asked Doug Johnson to come to the podium.

Doug Johnson, North Dakota Council of Educational Leaders, appeared to answer questions.

Senator Bakke asked from an administrative standpoint is a 4 hour or 1 ½ block easier to manage and which is more effective.

Doug Johnson said there are benefits to both, the early dismissal at 1:30 is not limited to 1 ½ hours of staff development, usually it goes 4 hours. The research they have been working on, especially with the National Centers for Professional Development through the commission indicates having staff development, especially for learning communities, it is very important to have the time throughout the day. The subcommittee on the commission had that recommendation, have an early dismissal to augment the 6 hour and 4 hour blocks.

Senator Flakoll asked how many school districts go beyond the minimum requirement of 2 days of professional development. He knows Fargo does.

Doug Johnson said he doesn't have a record of that, the larger school districts tend to have more, and the smaller school districts tend to be within the state law.

Senator Taylor said if the fear is pseudo contact days, why not just increase contact days and keep the 1 ½ option for professional development.

Amendment .0502 passed 3 – 2.

Senator Freborg said that completes section 3.

Senator Flakoll said regarding section 21, the Bakke amendments accomplished what he needed.

Senator Lee introduced amendment .0534, dealing with section 29. It is a couple of changes to the commission that did not get done yesterday. It takes the business manager off the commission (a member was added with the Kutzer amendment to fill that spot). The governor would still appoint the chairman of the commission. The chairman of the Legislative Council would appoint the business member of the commission.

Senator Lee moved amendment .0534, seconded by Senator Flakoll.

Senator Taylor reviewed amendment.

Senator Lee said we have already added a representative from Career and Technical Education, the renumbering may have changed.

Senator Flakoll said the commission would continue to have 10 voting members; the business manager would be replaced by the Career and Technical Education representative.

Senator Lee said that is correct.

Senator Bakke said we are taking control of the commission from the governor and giving it to the chair of the Legislative Council.

Senator Lee said the governor chooses the chair, a strong leadership position. This is a policy making group, the Legislative Council should have the opportunity make some of the appointments.

Senator Flakoll said it is important to note that by rule, the commission requires 8 out of 10 votes for anything to pass which is a high threshold. There can be no dominant force on the commission. A number of members will remain the same, even with these changes.

Senator Bakke said in case of a tie, what do you do?

Senator Flakoll said it would fail; there has never been a tie. There was early concern in the first interim about taking power away from the legislature but no matter what the commission does, there will be a lot of scrutiny as the bill is introduced and goes forward through the legislative process. The commission cannot do anything without the approval of the legislature. We are looking at a transitional time for the commission. The intent was never for the commission to last forever.

Senator Bakke said she understands the need for the business manager when the commission was dealing with equity. What is the intent for the work of the commission in the upcoming interim and will there be a need for a fiscal person?

Senator Flakoll said on page 27, lines 4 - 14, the commission will deal with academic areas. It will not deal as much with the formula, it is largely fixed. The weighting factors may change as we get experience with them. This interim the commission will be dealing with helping to make students work ready and college ready, with curriculum alignment, remediation, to meet the expectations of employers and to insure students' success in college. If the commission breaks into subcommittees, there are often others at the table. School administrators are very adept at funding formulas and any changes that would be needed. He is comfortable with taking the business manager off the commission. The Career and Technical Education person would be more valuable as we move forward.

Senator Bakke said she is concerned the commission will get a partisan make up, with the governor, there is more likely to be more diversity.

Senator Flakoll said he would not have a clue about the political affiliation of the superintendent from his district. The commission would not have had near the success it has had if political affiliation of the members were an issue. With the amendment before us, the chairman of the Legislative Council would pick from a list of 3 supplied by the North Dakota Chamber of Commerce. There are a number of assurances.

Amendment .0534 passed 3 – 2.

Senator Freborg said we have acted on every section. We will have the opportunity to view the entire hog house amendment.

Senator Flakoll moved a Do Pass As Amended and Rerefer to Appropriations on HB 1400.

Senator Bakke said the commission sent us a very good bill and we have been successful in destroying parts of it. She can't support the bill.

The motion passed 4 – 1. Senator Flakoll will carry the bill.

Later in the day, Anita Thomas reviewed the hog house amendment .0535 which is attached.

She will have a revised hog house amendment in the morning.

Senator Freborg we all know what the changes are and we approve them. He said the committee will have an opportunity to review the final amendment before it is turned in.

Chairman Freborg closed the discussion on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 18, 2009

Recorder Job Number: 11157

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1400. All members were present.

Anita Thomas has revised the hog house amendment (.0536 attached). The bill is in process and will be turned in when the proper procedures have been completed.

Chairman Freborg closed the discussion on HB 1400.

Bakke Amendment 3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 14, line 25 replace " 15.1-27-10" with " 15.1-27-19"

Renumber accordingly

adopted 5-0
3/11

SB 3/11/09

Date: 3/11/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Bakke Amendment 3

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Bakke Amendment 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 14, after line 11, insert:

" b. The North Dakota DPI Health Education content standards shall be used when teaching Health Education for grades 9 -12; and"

Page 14, remove lines 12 through 15

Renumber accordingly

Failed
2-3
3/11

Date: 3/11/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Bakke 2 Amendment

Motion Made By Sen. Bakke Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

failed

90379.0512
Title.

Prepared by the Legislative Council staff for
Senator Freborg
March 11, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 34, line 23, after "2." insert "a."

Page 34, line 25, replace "a." with "(1)"

Page 34, line 30, replace "b." with "(2)"

Page 35, line 3, replace "c." with "(3)" and replace "subdivision a" with "paragraph (1)"

Page 35, line 4, replace "subdivision b" with "paragraph (2)"

Page 35, after line 4, insert:

"b. Money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money, unless it is used on a dollar-for-dollar basis to supplant state funds that would otherwise constitute new money within this section."

Renumber accordingly

adopted 5-0
3/11/09

Date: 3/11/09
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken -0512

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 15, line 17, remove "at least"

Page 15, line 18, replace "through" with "or eight and once during their enrollment in grades nine or"

Renumber accordingly

adopted 5-0
3/11

Date: 3/11/09
Roll Call Vote #: 4

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken 0504

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Bakke Amendment 2 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 10, after line 30 insert " 6. One unit of fine arts;"

Page 10, line 31, replace " 6." with " 7."

Page 11, line 2, after the underscored semicolon insert " or"

Page 11, line 3, replace " Fine arts; or" with " Career and technical education courses; and"

Page 11, remove line 4

Page 11, replace " 7." with " 8." and replace " five" with " four"

Renumber accordingly

1-4

failed
3/11

Date: 3/11
Roll Call Vote #: 5

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1402

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Bakke / Amendment

Motion Made By Sen. Bakke Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor		✓
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 1 No 4

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

failed

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 2, replace "six" with "five"

Page 14, remove lines 5 through 20

Page 23, line 17, replace "16" with "15"

Page 23, line 20, replace "16" with "15"

Page 40, line 11, replace "50" with "49"

Renumber accordingly

adopted
3/11
3-2

Date: 3/11/09
Roll Call Vote #: 6

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0503

Motion Made By Sen. Flakoll Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

90379.0510
Title.

Prepared by the Legislative Council staff for
Senator G. Lee
March 11, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 4, after the first comma insert "and" and remove ", and sections 15.1-37-02,"

Page 1, line 5, remove "15.1-37-03, 15.1-37-04, 15.1-37-05, and 15.1-37-06"

Page 1, line 7, after the first comma insert "and" and remove ", and early childhood education"

Page 1, line 9, after the fourth comma insert "and" and remove ", and 15.1-37-01"

Page 1, line 11, after the third comma insert "and" and remove ", and early"

Page 1, line 12, remove "childhood education"

Page 30, remove lines 19 through 30

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 through 14

Page 40, line 11, replace "50" with "43"

Renumber accordingly

adopted 3/11
3-2

Date: 3/11/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0510

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Taylor Amendment – passed 3/11/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 36, line 25 overstrike "200,000" and insert immediately thereafter "400,000"

Page 36, line 27 overstrike "25,000" and insert immediately thereafter "50,000"

Renumber accordingly

Staf 3/16/09

Date: 3/11/09
Roll Call Vote #: 8

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Taylor Amendment

Motion Made By Sen. Taylor Seconded By Sen Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 4 No 1

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

page 36
line 25 overstrike 200,000
add 400,000
line 27 overstrike 25,000
add 50,000

adopted
3/11/09
4-1

90379.0516
Title.

Prepared by the Legislative Council staff for
Senator Flakoll
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 35, line 24, replace "eighty-one" with "eighty-six"

Renumber accordingly

adopted 3/16/09
8:40 AM

SF 3/16/09

Date: 3/16/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken -0516

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff for
Senator Flakoll
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 37, line 23, after the boldfaced period insert "**CONTINGENT APPROPRIATION - SCHOOL DISTRICT -**"

Page 37, after line 24, insert:

"1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $10,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of awarding grants to eligible school districts for deferred maintenance and physical plant improvements, for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If the office of management and budget determines by July 31, 2010, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.

3. If the general fund balance requirements of subsection 2 are not met and if the office of management and budget determines by April 30, 2011, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district."

Page 37, line 25, replace "1." with "4."

Page 38, line 1, replace "2." with "5."

Renumber accordingly

adopted 8:45 AM 3/16/09

3/16/09

Date: 3/16/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0514

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

90379.0515
Title.

Prepared by the Legislative Council staff for
Senator Flakoll
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 30, line 16, after "**expenses**" insert "**- Compensation**"

Page 30, line 18, after the underscored period insert "In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council."

Renumber accordingly

adopted 8:45
3/16/09

Date: 3/16/09
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0515

Motion Made By Sen. Flakoll Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

90379.0528
Title.

Prepared by the Legislative Council staff

March 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 1, after the comma insert "a new section to chapter 15.1-02,"

Page 1, line 6, after "to" insert "a notification regarding the nonreplacement of federal stimulus dollars,"

Page 1, after line 20, insert:

"**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because the state of North Dakota is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51"

Renumber accordingly

adopted 4:47
3/16/09

Date: 3/16/09
Roll Call Vote #: 4

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0528

Motion Made By Sen. Flakoll Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff for
Senator Bakke
March 13, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 17, replace lines 9 through 30 with:

"i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l.~~ m. ~~0.02~~ 0.05 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and"

Page 18, remove lines 1 and 2

Page 18, line 3, replace "o." with "n."

Renumber accordingly

adopted 3/16/09
8:50

Date: 3/16/09
Roll Call Vote #: 5

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0523

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff for
Senator Bakke
March 13, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 2, line 5, after "education" insert ", preferably with a major or a minor in psychology, counseling, child development, or a related field"

Page 2, line 15, after "education" insert ", preferably with a major or a minor in psychology, counseling, child development, or a related field"

Page 6, line 10, replace "meet with" with "provide to middle school and high school" and remove "in grades seven"

Page 6, remove line 11

Page 6, line 12, replace "pursue with the student career development and work-planning activities" with "sequential career development, current career information, and related career exploration opportunities"

Page 6, line 13, remove "use computer-assisted career guidance systems and"

Page 15, line 30, remove "career advisor or"

Page 16, line 16, remove "career advisor or"

Renumber accordingly

failed
2-3
3/16/09
9:25 am

Date: 3/16/09
Roll Call Vote #: 6

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0524

Motion Made By Sen. Bakke Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

failed

90379.0522
Title.

Prepared by the Legislative Council staff for
Senator Bakke
March 13, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 25, line 16, overstrike "more than two hundred"

Page 25, line 17, overstrike "twenty but fewer than" and after "thousand" insert "or fewer"

Page 25, line 19, overstrike "employed as the"

Page 25, overstrike line 20

Page 25, line 21, overstrike "twenty students in average daily membership" and insert immediately thereafter "a career and technical education teacher licensed by the education standards and practices board"

Page 25, line 22, overstrike "employed as a"

Page 25, line 23, overstrike "school district business manager" and insert immediately thereafter "a teacher licensed by the education standards and practices board"

Renumber accordingly

Jacicd 3/16/09 2-3

Date: 3/16/09
Roll Call Vote #: 7

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0522

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Failed

Prepared by the Legislative Council staff for
Senator Bakke
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 17, line 17, replace "0.07" with "0.08"

Renumber accordingly

Passed
2-3
3/10/09
9:35

Date: 3/16/09
Roll Call Vote #: 8

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0521

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Failed

90379.0520
Title.

Prepared by the Legislative Council staff for
Senator Bakke
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 17, line 1, overstrike "0.25" and insert immediately thereafter "0.30"

Renumber accordingly

Jacuel
2-3
3/16/09
9:4P

Date: 3/16/09
Roll Call Vote #: 9

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0520

Motion Made By Sen. Bakke Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Failed

Taylor Amendment /

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 34, line 13 replace "$2,000,000" with "$6,000,000"

Renumber accordingly

Failed
2-3
9:50
3/16/09
1400

Date: 3/16/09
Roll Call Vote #: 10

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Taylor 1 (Transportation) Amendment

Motion Made By Sen Taylor Seconded By Sen Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Pg 34 line 13 change $2 million to $6 million

failed

/Kutzer/

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 25, line 29, overstrike "and"

Page 25, after line 31, insert:

"(11) The director of the department of career and technical education or the director's designee; and"

Page 26, line 18, after the third comma insert "the director of the department of career and technical education,"

Renumber accordingly

adopted
3/16/09
10 AM.

Date: 3/16/09
Roll Call Vote #: 11

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Kutzer 1

Motion Made By Sen. Lee Seconded By Sen Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adds CTE to Governor's Commission

Kutzer 1 2 3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 1, replace the first "two" with "a" and replace "sections" with "section"

Page 2, remove lines 9 through 20

never moved.

CF 3/16/09

Kutzer 3 & 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 6, line 10, remove "meet with students in grades seven"

Page 6, remove line 11

Page 6, line 12, replace "pursue with the student career development and work-planning activities" with "provide sequential career development curriculum, current career information, and related career exploration opportunities for students in grades seven through twelve"

Renumber accordingly

CF
3/16/09

Date: 3/16/09
Roll Call Vote #: 12

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Kudzer 2

Motion Made By SB Seconded By SF

Senators	Yes	No	Senators	Yes	No
Senator Freborg			Senator Taylor		
Senator Gary Lee			Senator Bakke		
Senator Flakoll					

Total (Yes) No

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

withdrawn

90379.0527
Title.

Prepared by the Legislative Council staff

March 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 1, after the comma insert "a new section to chapter 15.1-02,"

Page 1, line 6, after "to" insert "health insurance program enrollment,"

Page 1, after line 20, insert:

"**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51"

Renumber accordingly

adopted 3/16/09
10:25 AM

Date: 3/16/09
Roll Call Vote #: 12

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0527

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Adopted

Flakoll Amendment

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 6, line 10, remove "meet with students in grades seven"

Page 6, remove line 11

Page 6, line 12, replace "pursue with the student career development and work-planning activities" with "provide sequential career development activities, current career information, and related career information, and related career exploration opportunities to students in grades seven through twelve"

Renumber accordingly

adopted
3/16/09
10:53

Date: 3/16/09
Roll Call Vote #: 13

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Flakoll Amendment

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

accepted

(pg 6 line 10...
pg 6 line 11...
pg 6 line 12...)

90379.0506
Title.

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 25, line 12, overstrike "governor" and insert immediately thereafter "chairman of the legislative council"

Page 25, line 14, after "membership" insert ", and who has not served on the commission for more than one interim"

Page 25, line 15, overstrike "governor" and insert immediately thereafter "chairman of the legislative council"

Page 25, line 18, after "membership" insert ", and who has not served on the commission for more than one interim"

Page 25, line 19, overstrike "governor" and insert immediately thereafter "chairman of the legislative council"

Page 25, line 21, after "membership" insert ", and who has not served on the commission for more than one interim"

Renumber accordingly

Adopted 3/16/09 11:05 AM

Date: 3/16/09
Roll Call Vote #: 14

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0506

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

90379.0505
Title.

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 16, after the second comma insert "15.1-27-41,"

Page 40, after line 8, insert:

"**SECTION 54. REPEAL.** Section 15.1-27-41 of the North Dakota Century Code is repealed."

Page 40, line 10, after the period insert "Section 54 of this Act becomes effective on December 31, 2010."

Renumber accordingly

adopted 3/16/09
11:10AM

Date: 3/16/09
Roll Call Vote #: 15

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0505

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff for
Senator Cook
March 12, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 21, replace lines 29 through 31 with:

"b. "Imputed taxable valuation" means ~~the valuation of all taxable real property in the district plus an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means~~ the valuation of all taxable real property in the district plus ~~an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes, telecommunications taxes, and payments in lieu of property taxes on generation, distribution, and transmission of electric power by the district's general fund mill levy."

Page 22, remove lines 1 through 4

Renumber accordingly

adopted
3/16/09
11:15AM

Date: 3/16/09
Roll Call Vote #: 16

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0518

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 4 No 1

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 26, line 16, after "3." insert "a." and remove the overstrike over "~~The members of the commission are entitled to reimbursement for actual and~~"

Page 26, line 17, remove the overstrike over "~~necessary expenses incurred in the same manner as state officials.~~" and replace "Each member" with:

"b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled"

Page 26, remove lines 18 and 19

Page 26, remove line 21

Page 26, line 22, replace "member is" with "if they are" and after the underscored period insert "c."

Renumber accordingly

accepted 3/16/09
11:20 AM

Date: 3/16/09
Roll Call Vote #: 17

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0508

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

adopted

Date: 3/16/09
Roll Call Vote #: 18

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Flakoll Amendment (Reorder sections)

Motion Made By Sen. Flakoll Seconded By Sen Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Reorder sections as follows:

see 10
14
11
12
13

AP adopted

Date: 3/16/09
Roll Call Vote #: 19

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider our action by which we passed Taylor Amendment

Motion Made By Sen Lee Seconded By Sen Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/16/09
Roll Call Vote #: 22

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Taylor Amendment (reconsidered)

Motion Made By Sen. Taylor Seconded By Sen. Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 2 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

pg. 36

Line 25 change $200,000 to $400,000 Failed

Line 26 change $25,000 to $50,000

90379.0530
Title.

Prepared by the Legislative Council staff

March 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 33, line 15, replace "**MENTORSHIP**" with "**TEACHER ~~IMPROVEMENT~~**"

Page 33, line 18, replace "mentorship" with "teacher ~~improvement~~"

Page 33, line 21, replace "mentoring" with "teacher ~~improvement~~" and replace "and to oversee and" with ";

b. Administer and"

Page 33, remove line 23

Page 33, line 25, after "c." insert "(1)"

Page 33, line 27, after "development" insert "; or

(2) If a district is not in need of mentors for first-year teachers, the board shall select and train experienced teachers who will identify the needs of non-first-year teachers and through research-validated interventions and the use of proven instructional methods help non-first-year teachers address their particular needs"

Page 33, line 29, after "and" insert "experienced teachers who assist" and after "first-year" insert "and non-first-year"

Page 33, line 30, after "the" insert "teacher ~~improvement~~" and replace "resulting from" with "incurred by the education standards and practices board as a result of"

Page 33, line 31, after "program" insert "; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses"

Renumber accordingly

adopted 3/16/09
4:40.

Date: 3/16/09
Roll Call Vote #: 21

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0530 & change

Motion Made By Sen. Bakke Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

change "teacher improvement" to "teacher support system"

pg. 33 line 27. add: adopted

work with school district administrators to

Prepared by the Legislative Council staff

March 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 2, after the second comma insert "a new section to chapter 15.1-13,"

Page 1, line 6, after "to" insert "the national board certification fund,"

Page 1, line 18, after "appropriation" insert "; to provide a continuing appropriation"

Page 7, after line 12, insert:

"**SECTION 8.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the education standards and practices board for the purpose of awarding grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 34, line 4, replace "superintendent of public instruction" with "education standards and practices board" and replace "providing three grants for instructional" with "creating the national board certification fund"

Page 34, line 5, remove "coaching programs" and remove "Each"

Page 34, remove lines 6 through 10

Page 40, line 9, replace "10" with "11"

adopted 3/16/09 @ 4:47

Date: 3/16/09
Roll Call Vote #: 22

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0526

Motion Made By Sen. Flakoll Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

90379.0532
Title.

Prepared by the Legislative Council staff

March 16, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 11, line 8, replace "**Merit**" with "**North Dakota career and technical education**" and remove "**- Technical honors**"

Page 11, line 10, replace "merit" with "North Dakota career and technical education" and remove "with technical honors"

Page 12, line 1, replace "**Merit**" with "**North Dakota academic**" and remove "**- Academic honors**"

Page 12, line 3, replace "merit" with "North Dakota academic" and remove "with academic honors"

Page 12, line 25, replace "**Merit**" with "**North Dakota**"

Page 12, line 26, replace "merit" with "North Dakota"

Renumber accordingly

adopted
3/16/09
5:40

Date: 3/16/09
Roll Call Vote #: 23

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken .0532

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff

March 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 3, line 6, replace "eighty-one" with "eighty-two"

Page 3, line 15, replace "Two" with "Three"

Page 4, line 14, overstrike "a."

Page 4, line 22, overstrike "(1)" and insert immediately thereafter "a."

Page 4, line 25, overstrike "(2)" and insert immediately thereafter "b."

Page 4, remove lines 28 through 31

Page 5, remove lines 1 through 12

Page 24, line 9, replace "eighty-one" with "eighty-two"

Page 24, line 15, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

adopted
3/11/09
8:50 AM

Date: 3/17/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0502

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

adopted

Prepared by the Legislative Council staff for
Senator G. Lee
March 16, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 25, overstrike lines 22 and 23

Page 25, line 24, overstrike "(6)" and insert immediately thereafter "(5)"

Page 25, line 26, overstrike "(7)" and insert immediately thereafter "(6)"

Page 25, line 28, overstrike "(8)" and insert immediately thereafter "(7)"

Page 25, line 29, overstrike "(9)" and insert immediately thereafter "(8)"

Page 25, line 30, overstrike "(10)" and insert immediately thereafter "(9)"

Page 26, line 9, replace "governor" with "chairman of the legislative council"

Renumber accordingly

Adopted
3/17/09
9:10 AM

Date: 3/17/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken .0534

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

adopted

Marked z Sandra's corrections

90379.0535
Title.

Prepared by the Legislative Council staff for
Senate Education Committee
March 17, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, a new section to chapter 15.1-13, chapter 15.1-18.2, six new sections to chapter 15.1-21, sections 15.1-21-02.2, 15.1-21-02.3, 15.1-21-02.4, and 15.1-21-02.5, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-41, and 15.1-32-18 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, state aid payments, and special education; to provide an appropriation; to provide a continuing appropriation; to provide for teacher compensation increases; to provide for the distribution of teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, deferred maintenance grants, and contingency payments; to provide for a contingent transfer; to provide for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. a. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:

   ~~a.~~ (1) One hundred seventy-three full days of instruction;

   ~~b.~~ (2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   ~~c.~~ (3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

~~d.~~ (4) Two days for professional development activities.

b. Beginning with the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days, apportioned as follows:

(1) One hundred seventy-four full days of instruction;

(2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

(3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

(4) Three days for professional development activities.

2. a. In meeting the requirements for two days of professional development activities under subsection 1, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided attendance is verified.

b. In meeting the requirements for two days of professional development activities under subsection 1, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. For purposes of this section, a "day for professional development activities" means:

(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

4. A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

5. ~~a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b.~~ ~~Beginning with the 2008-09 school year, a~~ A full day of instruction consists of:

~~(1)~~ a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

~~(2)~~ b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

6. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

7. A school that does not qualify under ~~the provisions of~~ subsection 6 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

8. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision o of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 10. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the education standards and practices board for the purpose of awarding grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 11. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

   d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 12. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts;

   b. Four units of mathematics;

   c. Four units of science;

d. Four units of social studies, including one of world history and one of United States history;

e. One-half unit of health;

f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

g. Two units of fine arts, at least one of which must be music;

h. Two units of the same foreign or native American language; and

i. Two units of career and technical education.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

   a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

   b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

   c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

   b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 13. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02**3**, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Three units of mathematics;
3. Three units of science, including:
   a. One unit of physical science;
   b. One unit of biology; and
   c. (1) One unit of any other science; or
      (2) Two one-half units of any other science;
4. Three units of social studies, including:
   a. One unit of United States history;
   b. (1) One-half unit of United States government and one-half unit of economics; or
      (2) One unit of problems of democracy; and
   c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. One unit of physical education; or
   b. One-half unit of physical education and one-half unit of health;
6. Three units of:
   a. Foreign languages;
   b. Native American languages;
   c. Fine arts; or
   d. Career and technical education courses; and
7. Any five additional units.

SECTION 14. Section 15.1-21-02.2 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Two units of mathematics;
3. Two units of science;
4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;
5. a. One unit of physical education; or
   b. One-half unit of physical education and one-half unit of health;
6. Two units of:
   a. Foreign languages;
   b. Native American languages;
   c. Fine arts; or
   d. Career and technical education courses; and
7. Any seven additional units.

SECTION 15. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;
   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and
   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 16. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B";

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 17. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any eligible student a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an

accredited institution of higher education in this state and maintains a grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 18. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Specific curricular directives - Report to the legislative council.

1. The superintendent shall ensure that:

   a. The content standards for United States government and problems of democracy include a required reading of the United States Constitution and the Declaration of Independence;

   b. The content standards for high school health education courses address social interactions and problem-solving skills; work and study habits; bullying; gangs; tobacco, drug, and alcohol use; and anger, anxiety, depression, and suicide; and

   c. Each public and nonpublic high school makes available to each student a personal finance course or a consumer finance course.

2. The superintendent shall provide an annual report to the legislative council concerning the requirements of this section and the implementation of the specific curricular directives.

SECTION 19. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Mathematics provided to students enrolled in any grade from five through nine;

   d. Reading provided to students enrolled in any grade from five through nine;

e. Science provided to students enrolled in any grade from five through nine; and

f. Social studies provided to students enrolled in any grade from five through nine; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

SECTION 20. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

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

Career interest inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each student in grade eleven shall take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if the superintendent determines that other special circumstances exist.

SECTION 23. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

SECTION 24. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

   i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

   j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

   ~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

   ~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

   ~~l.~~ m. ~~0.02~~ 0.05 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 25. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand ~~two~~ four hundred ~~fifty~~ twenty dollars.

   b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 26. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

   a. Adding together all state aid received by the district during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 27. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

   a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

   b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   ~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   ~~(2) Multiplying that difference by the district's total average daily membership.~~

   ~~b.~~ ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   ~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

   b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

   c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

   a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

   b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

      (1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund mill levy; and

      (2) An amount determined by dividing the district's revenue from mobile home taxes, telecommunications taxes, and payments in lieu of property taxes on generation, distribution, and transmission of electric power by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 28. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 29. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 30. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 19 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public

instruction shall verify that the program meets the requirements of section 19 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 31. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

Section 18?

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

   ~~a.~~ (1) The school district's calendar; or

   ~~b.~~ (2) One hundred eighty.

   b. Beginning with the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

      (1) The school district's calendar; or

      (2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

   a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   b. The ~~two~~ three days set aside for professional development activities under section 15.1-06-04; and

   c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

   a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   b. ~~During the 2007-08 school year, a student enrolled full-time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily

membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 32. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

   a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

   (2) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

   (3) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

   (4) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership, and who has not served on the commission for more than one interim;

   (5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

   ~~(6)~~ The chairman of the senate education committee or the chairman's designee;

   ~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

   ~~(8)~~ (7) The senate minority leader or the leader's designee;

   ~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

   ~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

   (10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three names forwarded by the North Dakota chamber of commerce; and

(5) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 33. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 34. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

b. The superintendent of public instruction, or the superintendent's designee;

c. The state health officer, or the officer's designee;

d. The director of the department of human services, or the director's designee;

e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

f. The commissioner of higher education, or the commissioner's designee;

g. The chairman of the senate education committee, or the chairman's designee;

h. The chairman of the house of representatives education committee, or the chairman's designee; and

i. The following gubernatorial appointees:

(1) The superintendent of a school district having at least one thousand students in average daily membership;

(2) The superintendent of a school district having fewer than one thousand students in average daily membership;

(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program; and

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 35. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 36. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 37. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of funding a teacher support system grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

(2) If a district is not in need of mentors for first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of non-first-year teachers and through research-validated interventions and the use of proven instructional methods help non-first-year teachers address their particular needs.

2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

SECTION 38. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 39. APPROPRIATION - TRANSPORTATION PAYMENTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing transportation payments to school districts, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 40. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers and to provide compensation to teachers who begin employment with the district on or after July 1, 2009.

2. a. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

(1) Determining the total amount of state dollars received by each district during the 2007-09 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, mill levy reduction payments, regional education association participation payments, nor contingency distributions are to be included in the total;

(2) Determining the total amount of state dollars received by each district during the 2009-11 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, nor contingency distributions are to be included in the total; and

(3) Subtracting the amount arrived at under paragraph 1 from the amount arrived at under paragraph 2.

b. Money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money, unless it is used on a dollar-for-dollar basis to supplant state funds that would otherwise constitute new money within this section.

3. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

4. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

SECTION 41. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

a. Eighty-six cents per mile for schoolbuses having a capacity of ten or more passengers;

b. Forty-two cents per mile for vehicles having a capacity of nine or fewer passengers; and

c. Twenty-two cents per student for each one-way trip, provided that a "student" includes a participant in an early childhood education program that is eligible for funding under section 15.1-27-03.1.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 42. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 43. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 44. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 45. DEFERRED MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $10,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of awarding grants to eligible school districts for deferred maintenance and physical plant improvements, for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If the office of management and budget determines by July 31, 2010, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.

3. If the general fund balance requirements of subsection 2 are not met and if the office of management and budget determines by April 30, 2011, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.

4. By June 30, 2012, each school district that receives a deferred maintenance and physical plant improvement grant from the superintendent of public instruction shall:

   a. Submit to the superintendent documentation detailing how the grant funds were expended; and

   b. Return any unexpended grant funds to the superintendent for deposit in the general fund.

5. The superintendent of public instruction may provide a deferred maintenance and physical plant improvement grant only to a school district that:

   a. Has a general fund levy equal to at least one hundred fifty mills for the taxable year 2008;

   b. Is not precluded from receiving state aid by the provisions of section 15.1-27-35.3; and

   c. Provides a monetary match equal to the grant amount.

SECTION 46. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

   ~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

   ~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

   ~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

   ~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

   ~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 47. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations

imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 48. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 49. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 50. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 51. EFFECTIVE DATE.

1. Sections 13 and 14 of this Act become effective on July 1, 2010.
2. Section 49 of this Act becomes effective on December 31, 2010.

SECTION 52. EMERGENCY. Section 45 is declared to be an emergency measure."

Renumber accordingly

Date: 3/17/09
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended + Rerefer to Appropriations

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 4 No 1

Absent _____

Floor Assignment Sen. Flakoll

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, a new section to chapter 15.1-13, chapter 15.1-18.2, six new sections to chapter 15.1-21, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-41, and 15.1-32-18 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, state aid payments, and special education; to provide an appropriation; to provide a continuing appropriation; to provide for teacher compensation increases; to provide for the distribution of teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, deferred maintenance grants, and contingency payments; to provide for a contingent transfer; to provide for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. a. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:

   ~~a.~~ (1) One hundred seventy-three full days of instruction;

   ~~b.~~ (2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

~~c.~~ (3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

~~d.~~ (4) Two days for professional development activities.

b. Beginning with the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days, apportioned as follows:

(1) One hundred seventy-four full days of instruction;

(2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

(3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

(4) Three days for professional development activities.

2. a. In meeting the requirements for two days of professional development activities under subsection 1, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided attendance is verified.

b. In meeting the requirements for two days of professional development activities under subsection 1, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. For purposes of this section, a "day for professional development activities" means:

(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

4. A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or

school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

5. ~~a. During the 2007-08 school year, a full day of instruction consists of:~~

   ~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

   ~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

   ~~b. Beginning with the 2008-09 school year, a~~ A full day of instruction consists of:

~~(1)~~ a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

~~(2)~~ b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

6. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

7. A school that does not qualify under ~~the provisions of~~ subsection 6 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

8. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or

an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision o of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 10. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with

chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the education standards and practices board for the purpose of awarding grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 11. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 12. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts;

   b. Four units of mathematics;

   c. Four units of science;

   d. Four units of social studies, including one of world history and one of United States history;

   e. One-half unit of health;

   f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

   g. Two units of fine arts, at least one of which must be music;

   h. Two units of the same foreign or native American language; and

   i. Two units of career and technical education.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

   a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

   b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

   b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 13. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

   a. One unit of physical science;

   b. One unit of biology; and

   c. (1) One unit of any other science; or

      (2) Two one-half units of any other science;

4. Three units of social studies, including:

a. One unit of United States history;

b. (1) One-half unit of United States government and one-half unit of economics; or

(2) One unit of problems of democracy; and

c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Three units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any five additional units.

SECTION 14. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Two units of:

   a. Foreign languages;

   b. Native American languages;

   c. Fine arts; or

   d. Career and technical education courses; and

7. Any seven additional units.

SECTION 15. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 16. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B";

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 17. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any eligible student a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 18. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Mathematics provided to students enrolled in any grade from five through nine;

   d. Reading provided to students enrolled in any grade from five through nine;

   e. Science provided to students enrolled in any grade from five through nine; and

   f. Social studies provided to students enrolled in any grade from five through nine; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

SECTION 19. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 20. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career interest inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each student in grade eleven shall take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if the superintendent determines that other special circumstances exist.

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

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

SECTION 23. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l.~~ m. ~~0.02~~ 0.05 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 24. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand ~~two~~ four hundred ~~fifty~~ twenty dollars.

b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 25. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

   a. Adding together all state aid received by the district during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 26. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

~~(2) Multiplying that difference by the district's total average daily membership.~~

~~b.~~ ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation

per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

   a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

   b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

      (1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund mill levy; and

      (2) An amount determined by dividing the district's revenue from mobile home taxes, telecommunications taxes, and payments in lieu of property taxes on generation, distribution, and transmission of electric power by the district's general fund mill levy.

   c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

   d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

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

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 28. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 29. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 18 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 18 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 30. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

   ~~a.~~ (1) The school district's calendar; or

~~b.~~ (2) One hundred eighty.

b. Beginning with the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

b. The ~~two~~ three days set aside for professional development activities under section 15.1-06-04; and

c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

b. ~~During the 2007-08 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 31. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

(2) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

(3) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

(4) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership, and who has not served on the commission for more than one interim;

(5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

~~(6)~~ The chairman of the senate education committee or the chairman's designee;

~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the

legislative council from a list of three names forwarded by the North Dakota chamber of commerce; and

(5) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 32. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 33. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

   b. The superintendent of public instruction, or the superintendent's designee;

   c. The state health officer, or the officer's designee;

d. The director of the department of human services, or the director's designee;

e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

f. The commissioner of higher education, or the commissioner's designee;

g. The chairman of the senate education committee, or the chairman's designee;

h. The chairman of the house of representatives education committee, or the chairman's designee; and

i. The following gubernatorial appointees:

(1) The superintendent of a school district having at least one thousand students in average daily membership;

(2) The superintendent of a school district having fewer than one thousand students in average daily membership;

(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program; and

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 34. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 35. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 36. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of funding a teacher support system grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

(2) If a district is not in need of mentors for first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of non-first-year teachers and through research-validated interventions and the use of proven instructional methods help non-first-year teachers address their particular needs.

2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

SECTION 37. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 38. APPROPRIATION - TRANSPORTATION PAYMENTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing transportation payments to school districts, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 39. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers and to provide compensation to teachers who begin employment with the district on or after July 1, 2009.

2. a. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

(1) Determining the total amount of state dollars received by each district during the 2007-09 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, mill levy reduction payments, regional education association participation payments, nor contingency distributions are to be included in the total;

(2) Determining the total amount of state dollars received by each district during the 2009-11 biennium as per student payments,

provided that neither equity payments under section 15.1-27-11, transportation payments, nor contingency distributions are to be included in the total; and

(3) Subtracting the amount arrived at under paragraph 1 from the amount arrived at under paragraph 2.

b. Money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money, unless it is used on a dollar-for-dollar basis to supplant state funds that would otherwise constitute new money within this section.

3. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

4. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

SECTION 40. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

a. Eighty-six cents per mile for schoolbuses having a capacity of ten or more passengers;

b. Forty-two cents per mile for vehicles having a capacity of nine or fewer passengers; and

c. Twenty-two cents per student for each one-way trip, provided that a "student" includes a participant in an early childhood education program that is eligible for funding under section 15.1-27-03.1.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of

public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 41. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 42. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 43. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 44. DEFERRED MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $10,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of awarding grants to eligible school districts for deferred maintenance and physical plant improvements, for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If the office of management and budget determines by July 31, 2010, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.

3. If the general fund balance requirements of subsection 2 are not met and if the office of management and budget determines by April 30, 2011, that the June 30, 2011, ending balance of the state general fund will be more than $30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2009 legislative session, the superintendent of public instruction shall forward to each eligible school district:

   a. Twenty thousand dollars; plus

   b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.

4. By June 30, 2012, each school district that receives a deferred maintenance and physical plant improvement grant from the superintendent of public instruction shall:

   a. Submit to the superintendent documentation detailing how the grant funds were expended; and

   b. Return any unexpended grant funds to the superintendent for deposit in the general fund.

5. The superintendent of public instruction may provide a deferred maintenance and physical plant improvement grant only to a school district that:

   a. Has a general fund levy equal to at least one hundred fifty mills for the taxable year 2008;

   b. Is not precluded from receiving state aid by the provisions of section 15.1-27-35.3; and

   c. Provides a monetary match equal to the grant amount.

SECTION 45. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

   ~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

   ~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

   ~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

   ~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

   ~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 46. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 47. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 48. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 49. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 50. EFFECTIVE DATE.

1. Sections 13 and 14 of this Act become effective on July 1, 2010.

2. Section 49 of this Act becomes effective on December 31, 2010.

SECTION 51. EMERGENCY. Section 45 of this Act is declared to be an emergency measure."

Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1400

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-23-09

Recorder Job Number: 11423

Committee Clerk Signature Alice Delzer

Minutes:

Chairman Holmberg: called the committee back to order in reference to SB 1400 regarding school finance components.

Jack Dalrymple: LT. Governor for the State of North Dakota testified in support and introduced HB 1400. Sponsor Rae Ann Kelsch Representative District 34 (See written testimony #1and #2)

Chairman Holmberg: The subcommittee members are Senator Wardner, Senator Robinson and myself.

Senator Krauter: Had questions regarding the transportation funding. On weekends when I visit with the people in my district two issues

Jack Dalrymple: Transportation budget seems to be the topic in 2009. The bill increased the house added more, right now it would represented a 0% over the. The small school association they have taken all their issues and put them into one request, that focused has helped them tremendously, to gain transportation dollars.

Senator Krauter: Why the resistance?

Jack Dalrymple: You do hear people say if we have unmet needs they should go to education funding first.

V. Chair Bowman: when we implement all this and these dollars into this new formula and 10 years we are not getting the results we were expecting? How do you find out if you are achieving this goal?

Jack Dalrymple: that is what we trying to do with these important recommendations. Knowing what the curriculum is, and second, having the assessments like the ACT's and other tests to tell us how we are doing in relation to the rest of the nation. Are our HS graduates ready for college or ready for work? We don't know the answer to those questions.

JoNell Bakke: Senator District 43 testified in favor of HB 1400 and provided written testimony # 3. And provided an amendment 90379.0542 prepared by leg council.

Paul Stremick: Superintendent of Dickinson Public Schools testified in favor of HB 1400 and provided written testimony # 4.

Chairman Holmberg: You would agree the bill in pretty good shape except you are nervous about using federal stimulus dollars to replace state dollars in the formulas to create equity in transition; for example reducing foundation aid by X the first year?

Paul Stremick: Yes but nervous might be a understatement.

Chairman Holmberg: you use the word transitioning, the whole amount the last minute from fed, it is a challenge, the issues the regulations in constant flux, and there was a sup of Evanston WY. **Paul Stremick:** it could be a good distraction and use it in one time funding.

Chairman Holmberg: will the schools use this

Paul Stremick: we all understand it will disappear and there is no guarantee that the state can fund money if we don't spend this wisely?

Josh Askvig: from the North Dakota Education Association (NDEA). Testified in favor of HB 1400 and provided written testimony # 5. If you research those studies you will get lots of great information regarding Pre-K program.

Chairman Holmberg: The version that came to us, funds that extra day in the second day of the biennium?

Josh Askvig: I think it adds the extra day in the second year of the biennium, I don't know if the funding is there. It is my understanding that it wasn't, if it is...great.

Chairman Holmberg: You are very passionate about the Pre-k some of us would have a difficult time adding something that the committee has taken out.

Josh Askvig: I would like to have it restored.

Joann Brager: Vice President of Public Policy of North Dakota Association for the Education of Young Children in support of first engrossment of HVB 1400. We are also in support of the amendment provided by Senator Bakke. (See written testimony # 6)

Chairman Holmberg: now we will hear from people in opposition or concerned about sections of the bill.

John Jankowski: Superintendent of St Mary's High School and also the President of the State Association of Non-Public Schools testified in opposition to HB 1400. (See attachment #7)

Chairman Holmberg: Are you basing this in the fact there has been representative of private colleges on that particular panel?

John Jankowski: the other section on early childhood. And we represent about 6000 students. We are not here to ask for money. We would like a voice in the bill.

Chairman Holmberg: We will hear further testimony now.

Rick Buresh: Superintendent of the Fargo Public Schools testified in favor of HB 1400 and provided written testimony # 8. This is my second year in Fargo.

Paul Johnson: Superintendent Bismarck Public School District testified in favor of HB 1400 and provided written testimony # 9.

Senator Mathern: I am wondering if a school district like Bismarck knows the dollar amount that would potentially be available through the stimulation program and give me a couple of examples of the uses?

Paul Johnson: One of the printouts we have seen with the disadvantaged students in Bismarck would have about $6million in the stabilization funding. Stabilization funding can be used for curriculum materials, equip and supplies, moderation of facilities. We have a list of facility improvements that are planned when we get the funding to fund them, could be 5 years, and double the amount we will get in this area. An example would be: we have an elementary school that services disadvantaged student's that we currently do not have the funding to renovate. We would go into that school and provide hearing and vent, including ac and upgrade to the rooms, we could do that very quickly. We have 4 elementary schools that are not air conditioned. We have summer school in all those buildings, the plans are in place, they are behind on roofing projects, carpeting, and types of projects where school are to be refreshed and updated.

Senator Krauter: Could you forward that email to us here in this committee.

Paul Johnson: Yes I will.

Bev Neilson: I want to comment on the comment the stab money is very flexible. When you have to make multiple applications and the money can only be used for? Perkins, but finding ways to spend one-time money when it is replacing our operational money. Secondly, that would only work if the schools were run by the state. The only way dollar for dollar is we have guaranteed and if dollar for dollar is at the district level. It won't be. When it goes back to the formula, that doesn't help us on the district level, dollar for dollar for every district. I don't think the state cares to get into that level. They are two different formulas. So I would caution you on that. Career advisors, would probably qualify somewhere. One of the problems, if it

remains as a requirement to have career you cannot spend fed money on state requirements. If it is funded by state money. The problem 1.02 it doesn't work, if we keep trying to push fed money in to it's becoming clear to everyone fed dollars can be used. Schools would have multiple use for one time spending money. We support it as they were introduced. We cannot support the? Unless with state funded dollars.

Chairman Holmberg: would' you agree we are talking about ed. We evolve as we change. It sounded like you were reacting to comments made some weeks ago, there has been change since then, and all these various groups are working on this. Clearly I haven't heard lately some of the things that you are still worried about in your testimony.

Bev Neilson: We based our testimony on the latest OMB results. This is our last opportunity. I agree with you it is changing by the minute. We believe the funding needs to be funded with state dollars.

Chairman Holmberg: yes things change by the moment.

Doug Johnson: Executive Director of the North Dakota Council of Educational Leaders testified in favor of HB 1400 and provided written testimony # 11. We did support it as it came originally. I am going to limit my comments we have concerns with the stimulus fund. We want to make sure that those dollars, which we don't supplant, as you look into the process of changing? The guidelines and rules are still being written. We do belief that it is important to kept the funding formula in tact, the other thing , test provided in Tuesday joint meeting, accurate, our concern remains with having those dollars be spent to be sued as intended. We do think the state should honor their

Chairman Holmberg: As I mentioned earlier, we will look at the reserve funds, if they go up substantially, we will make a lot of noise.

Senator Kilzer: when higher ed was here, it wasn't too long about the high percentage of new college students who needed remediation, and I asked some of the college such a high percentage of students entering college something wrong, didn't they receive what they needed in school. How serious does your organization and the school board take this issue?

Doug Johnson: we take it seriously and that is why we put? We need to be spending more time and look at other ways to make sure our student's ar ready to enter college. To determine their ability. I can't' say these will be changed immediately.

Senator Kilzer: Are you looking at spec schools?

Doug Johnson: We are not able to do that we don't have the data to do that. If you look at the ITD budget, that will give us the is one that is critical. We need to know where those kids are.

Senator Krauter: Just listening to the last two minutes, Mr. Jankowski come back and identifies me don't care if they come from public or private school, why isn't it clicking? May be he could identify some other areas

Chairman Holmberg: send it by email.

V. Chair Bowman: Are all school districts in these formula winners. Does every school benefit by this bill.

Jack Dalrymple: The answer is yes because of the minimum increase requirement. Every school must receive an increase every year. Do you have a specific antidote in this bill regarding declining enrolment?

Chairman Holmberg: Closed the hearing on HB 1400.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: April 2, 2009

Recorder Job Number: 11643

Committee Clerk Signature Rose Laning

Minutes:

Chairman Holmberg opened discussion on HB 1400 and handed out amendments .0545.

Senator Robinson moved Do Pass on amendments 90379.0545.

Senator Wardner seconded.

Voice vote passed.

Discussion was held.

Senator Wardner moved Do Pass as Amended on HB 1400.

Senator Robinson seconded.

A Roll Call vote was taken. Yea: 13 Nay: 0 Absent: 1.

Senator Holmberg will carry the bill.

Chairman Holmberg closed the hearing on HB 1400.

90379.0539
Title.0700

Prepared by the Legislative Council staff for
Senator Christmann
March 20, 2009

3/20/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the proposed amendments to Engrossed House Bill No. 1400 as printed on pages 834-858 of the Senate Journal be amended as follows:

Page 847 of the Senate Journal replace lines 38 through 45 with:

"(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, and revenue from payments in lieu of taxes from electricity generated from sources other than coal by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy."

Renumber accordingly

Prepared by the Legislative Council staff for
Senate Appropriations
April 1, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

In lieu of the amendments adopted by the Senate as printed on pages 834-858 and 889 of the Senate Journal, Engrossed House Bill No. 1400 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, a new section to chapter 15.1-13, chapter 15.1-18.2, five new sections to chapter 15.1-21, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-35.3, 15.1-27-41, and 15.1-32-18 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, state aid payments, and special education; to provide an appropriation; to provide a continuing appropriation; to provide for teacher compensation increases; to provide for the distribution of teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, and contingency payments; to provide for a contingent transfer; to provide for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. a. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:

   ~~a.~~ (1) One hundred seventy-three full days of instruction;

   ~~b.~~ (2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   ~~c.~~ (3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be

compensatory time for parent-teacher conferences held outside regular school hours; and

~~d.~~ (4) Two days for professional development activities.

b. Beginning with the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days, apportioned as follows:

(1) One hundred seventy-four full days of instruction;

(2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

(3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

(4) Three days for professional development activities.

2. a. In meeting the requirements for two days of professional development activities under subsection 1, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided attendance is verified.

b. In meeting the requirements for two days of professional development activities under subsection 1, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. For purposes of this section, a "day for professional development activities" means:

(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

4. A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

5. ~~a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b.~~ ~~Beginning with the 2008-09 school year, a~~ A full day of instruction consists of:

~~(1)~~ a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

~~(2)~~ b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

6. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

7. A school that does not qualify under ~~the provisions of~~ subsection 6 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

8. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision m of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 10. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the education standards and practices board for the purpose of awarding grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in

chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 11. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

   d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 12. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

a. Four units of English language arts;

b. Four units of mathematics;

c. Four units of science;

d. Four units of social studies, including one of world history and one of United States history;

e. One-half unit of health;

f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

g. Two units of fine arts, at least one of which must be music;

h. Two units of the same foreign or native American language; and

i. Two units of career and technical education.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

   a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

   b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

   c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 13. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

   a. One unit of physical science;

   b. One unit of biology; and

   c. (1) One unit of any other science; or

      (2) Two one-half units of any other science;

4. Three units of social studies, including:

   a. One unit of United States history;

   b. (1) One-half unit of United States government and one-half unit of economics; or

      (2) One unit of problems of democracy; and

   c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

   b. One-half unit of physical education and one-half unit of health;

6. Three units of:

   a. Foreign languages;

   b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any five additional units.

SECTION 14. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

   b. One-half unit of physical education and one-half unit of health;

6. Two units of:

   a. Foreign languages;

   b. Native American languages;

   c. Fine arts; or

   d. Career and technical education courses; and

7. Any seven additional units.

SECTION 15. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4. Receives:

a. A composite score of at least twenty-four on an ACT;

b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 16. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

b. Completes one additional unit of mathematics for which algebra II is a prerequisite; and

c. Completes:

(1) Two units of the same foreign or native American language;

(2) One unit of fine arts or career and technical education; and

(3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B";

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 17. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any eligible student a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 18. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Mathematics provided to students enrolled in any grade from five through nine;

   d. Reading provided to students enrolled in any grade from five through nine;

   e. Science provided to students enrolled in any grade from five through nine; and

   f. Social studies provided to students enrolled in any grade from five through nine; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

SECTION 19. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 20. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career interest inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each student in grade eleven shall take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if the superintendent determines that other special circumstances exist.

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

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

SECTION 23. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; and

~~l. 0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 24. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l.~~ m. ~~0.02~~ 0.05 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 25. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand ~~two~~ four hundred ~~fifty~~ twenty dollars.

   b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 26. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

   a. Adding together all state aid received by the district during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for~~

~~purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 27. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

   a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

   b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   ~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   ~~(2) Multiplying that difference by the district's total average daily membership.~~

   ~~b. Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   ~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

   ~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, and revenue from payments in lieu of taxes from electricity generated from sources other than coal by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 28. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 29. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 30. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 18 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 18 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 31. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is

absent during a school calendar, and then dividing the sum by the greater of:

~~a.~~ (1) The school district's calendar; or

~~b.~~ (2) One hundred eighty.

b. Beginning with the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

b. The ~~two~~ three days set aside for professional development activities under section 15.1-06-04; and

c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

b. ~~During the 2007-08 school year, a student enrolled full-time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 32. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

   b. Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in subdivision a.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes.

SECTION 33. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

   a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

   (2) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

   (3) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

   (4) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership, and who has not served on the commission for more than one interim;

(5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

~~(6)~~ The chairman of the senate education committee or the chairman's designee;

~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual representing nonpublic schools, appointed by the chairman of the legislative council;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three names forwarded by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the

superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

   a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

   b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

   c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

   d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 34. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 35. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

   b. The superintendent of public instruction, or the superintendent's designee;

   c. The state health officer, or the officer's designee;

   d. The director of the department of human services, or the director's designee;

   e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

   f. The commissioner of higher education, or the commissioner's designee;

   g. The chairman of the senate education committee, or the chairman's designee;

   h. The chairman of the house of representatives education committee, or the chairman's designee; and

   i. The following gubernatorial appointees:

      (1) The superintendent of a school district having at least one thousand students in average daily membership;

      (2) The superintendent of a school district having fewer than one thousand students in average daily membership;

      (3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

      (4) The principal of a school district;

      (5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program; and

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 36. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 37. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 38. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of funding a teacher support system grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

      (2) If a district is not in need of mentors for first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of non-first-year teachers and through research-validated interventions and the use of proven instructional methods help non-first-year teachers address their particular needs.

2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

SECTION 39. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 40. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers and to provide compensation to teachers who begin employment with the district on or after July 1, 2009.

2. a. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

(1) Determining the total amount of state dollars received by each district during the 2007-09 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, mill levy reduction payments, regional education association participation payments, nor contingency distributions are to be included in the total;

(2) Determining the total amount of state dollars received by each district during the 2009-11 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, nor contingency distributions are to be included in the total; and

(3) Subtracting the amount arrived at under paragraph 1 from the amount arrived at under paragraph 2.

b. Money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money, unless it is used on a dollar-for-dollar basis to postpone state funding increases that would otherwise constitute new money within this section.

3. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

4. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

SECTION 41. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

a. Eighty-six cents per mile for schoolbuses having a capacity of ten or more passengers;

b. Forty-two cents per mile for vehicles having a capacity of nine or fewer passengers; and

c. Twenty-two cents per student for each one-way trip, provided that a "student" includes a participant in an early childhood education program that is eligible for funding under section 15.1-27-03.1.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 42. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 43. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 44. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess

reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 45. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 46. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 47. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 48. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 49. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 50. EFFECTIVE DATE.

1. Sections 13 and 14 of this Act become effective on July 1, 2010.

2. Section 49 of this Act becomes effective on December 31, 2010.

3. Section 24 of this Act becomes effective on July 1, 2011.

SECTION 51. EXPIRATION DATE. Section 32 of this Act is effective through June 30, 2010, and after that date is ineffective.

SECTION 52. EMERGENCY. Sections 32 and 45 of this Act are declared to be an emergency measure."

Renumber accordingly

Date: April 2, 2009
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate **Senate Appropriations** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment .0545

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Robinson Seconded By Wardner

voice vote passed

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach			Senator Seymour		
Senator Fischer			Senator Lindaas		
Senator Wardner			Senator Robinson		
Senator Kilzer			Senator Warner		
V. Chair Bowman			Senator Krauter		
Senator Christmann			Senator Mathern		
V. Chair Grindberg					
Chairman Holmberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: April 2, 2009
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate **Senate Appropriations** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Wardner Seconded By Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner	✓		Senator Robinson	✓	
Senator Fischer	✓		Senator Lindaas	✓	
V. Chair Bowman	✓		Senator Warner	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Christmann			Senator Seymour	✓	
Chairman Holmberg	✓		Senator Mathern	✓	
Senator Kilzer	✓				
V. Chair Grindberg	✓				

Total Yes 13 No 0

Absent 1

Floor Assignment Holmberg

If the vote is on an amendment, briefly indicate intent: D

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1400, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 834-858 and 889 of the Senate Journal, Engrossed House Bill No. 1400 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, a new section to chapter 15.1-13, chapter 15.1-18.2, five new sections to chapter 15.1-21, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-35.3, 15.1-27-41, and 15.1-32-18 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, state aid payments, and special education; to provide an appropriation; to provide a continuing appropriation; to provide for teacher compensation increases; to provide for the distribution of teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, and contingency payments; to provide for a contingent transfer; to provide for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. a. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:

   ~~a.~~ (1) One hundred seventy-three full days of instruction;

~~b.~~ (2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

~~c.~~ (3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

~~d.~~ (4) Two days for professional development activities.

b. Beginning with the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days, apportioned as follows:

(1) One hundred seventy-four full days of instruction;

(2) Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

(3) Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours; and

(4) Three days for professional development activities.

2. a. In meeting the requirements for two days of professional development activities under subsection 1, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided attendance is verified.

b. In meeting the requirements for two days of professional development activities under subsection 1, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. For purposes of this section, a "day for professional development activities" means:

(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of

instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

4. A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

5. ~~a. During the 2007-08 school year, a full day of instruction consists of:~~

   ~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

   ~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

   ~~b.~~ ~~Beginning with the 2008-09 school year, a~~ A full day of instruction consists of:

~~(1)~~ a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

~~(2)~~ b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

6. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

7. A school that does not qualify under ~~the provisions of~~ subsection 6 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

8. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision m of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 10. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the education standards and practices board for the purpose of awarding grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 11. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 12. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts;

   b. Four units of mathematics;

   c. Four units of science;

   d. Four units of social studies, including one of world history and one of United States history;

   e. One-half unit of health;

   f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

   g. Two units of fine arts, at least one of which must be music;

   h. Two units of the same foreign or native American language; and

   i. Two units of career and technical education.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

   a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

   b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 13. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

   a. One unit of physical science;

   b. One unit of biology; and

   c. (1) One unit of any other science; or

(2) Two one-half units of any other science;

4. Three units of social studies, including:

   a. One unit of United States history;

   b. (1) One-half unit of United States government and one-half unit of economics; or

      (2) One unit of problems of democracy; and

   c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

   b. One-half unit of physical education and one-half unit of health;

6. Three units of:

   a. Foreign languages;

   b. Native American languages;

   c. Fine arts; or

   d. Career and technical education courses; and

7. Any five additional units.

SECTION 14. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Two units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any seven additional units.

SECTION 15. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4. Receives:

a. A composite score of at least twenty-four on an ACT;

b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 16. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all

requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B";

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 17. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any eligible student a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 18. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Mathematics provided to students enrolled in any grade from five through nine;

   d. Reading provided to students enrolled in any grade from five through nine;

   e. Science provided to students enrolled in any grade from five through nine; and

   f. Social studies provided to students enrolled in any grade from five through nine; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

SECTION 19. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 20. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career interest inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each student in grade eleven shall take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is

responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if the superintendent determines that other special circumstances exist.

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

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

SECTION 23. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; and

~~l. 0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 24. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l.~~ m. ~~0.02~~ 0.05 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 25. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand ~~two~~ four hundred ~~fifty~~ twenty dollars.

b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 26. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

   a. Adding together all state aid received by the district during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 27. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

   a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

   b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   ~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   ~~(2) Multiplying that difference by the district's total average daily membership.~~

   ~~b. Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   ~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

   ~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

   b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the

district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, and revenue from payments in lieu of taxes from electricity generated from sources other than coal by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 28. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 29. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 30. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 18 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 18 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 31. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total

number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

~~a.~~ (1) The school district's calendar; or

~~b.~~ (2) One hundred eighty.

b. Beginning with the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

   a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   b. The ~~two~~ three days set aside for professional development activities under section 15.1-06-04; and

   c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

   a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   b. ~~During the 2007-08 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 32. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

   b. Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in subdivision a.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes.

SECTION 33. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

   a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

   (2) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

   (3) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having more than two hundred twenty but

fewer than one thousand students in average daily membership, and who has not served on the commission for more than one interim;

(4) One individual, appointed by the ~~governor~~ chairman of the legislative council, who is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership, and who has not served on the commission for more than one interim;

(5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

~~(6)~~ The chairman of the senate education committee or the chairman's designee;

~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual representing nonpublic schools, appointed by the chairman of the legislative council;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three names forwarded by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

   b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

   a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

   b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

   c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

   d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 34. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents

the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 35. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

   b. The superintendent of public instruction, or the superintendent's designee;

   c. The state health officer, or the officer's designee;

   d. The director of the department of human services, or the director's designee;

   e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

   f. The commissioner of higher education, or the commissioner's designee;

g. The chairman of the senate education committee, or the chairman's designee;

h. The chairman of the house of representatives education committee, or the chairman's designee; and

i. The following gubernatorial appointees:

(1) The superintendent of a school district having at least one thousand students in average daily membership;

(2) The superintendent of a school district having fewer than one thousand students in average daily membership;

(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program; and

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 36. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;
2. Conduct a needs assessment;
3. Review early childhood education standards and propose revisions to the standards as needed;
4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;
5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and
6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 37. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 38. APPROPRIATION - TEACHER SUPPORT SYSTEM GRANT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of funding a teacher support system grant program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The board shall:
   a. Employ an individual to serve as a teacher support system coordinator;
   b. Administer and evaluate the program; and
   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or
      (2) If a district is not in need of mentors for first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of non-first-year teachers and through research-validated

interventions and the use of proven instructional methods help non-first-year teachers address their particular needs.

2. The board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

SECTION 39. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 40. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers and to provide compensation to teachers who begin employment with the district on or after July 1, 2009.

2. a. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   (1) Determining the total amount of state dollars received by each district during the 2007-09 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, mill levy reduction payments, regional education association participation payments, nor contingency distributions are to be included in the total;

   (2) Determining the total amount of state dollars received by each district during the 2009-11 biennium as per student payments, provided that neither equity payments under section 15.1-27-11, transportation payments, nor contingency distributions are to be included in the total; and

   (3) Subtracting the amount arrived at under paragraph 1 from the amount arrived at under paragraph 2.

   b. Money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money, unless it is used on a dollar-for-dollar basis to postpone state funding increases that would otherwise constitute new money within this section.

3. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

4. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

   b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

   c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

SECTION 41. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

   a. Eighty-six cents per mile for schoolbuses having a capacity of ten or more passengers;

   b. Forty-two cents per mile for vehicles having a capacity of nine or fewer passengers; and

   c. Twenty-two cents per student for each one-way trip, provided that a "student" includes a participant in an early childhood education program that is eligible for funding under section 15.1-27-03.1.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 42. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A

grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 43. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 44. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 45. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by

the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 46. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 47. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 48. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 49. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 50. EFFECTIVE DATE.

1. Sections 13 and 14 of this Act become effective on July 1, 2010.

2. Section 49 of this Act becomes effective on December 31, 2010.

3. Section 24 of this Act becomes effective on July 1, 2011.

SECTION 51. EXPIRATION DATE. Section 32 of this Act is effective through June 30, 2010, and after that date is ineffective.

SECTION 52. EMERGENCY. Sections 32 and 45 of this Act are declared to be an emergency measure."

Renumber accordingly

2009 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1400

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 15, 2009

Recorder Job Number: 11868

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch: We are going to walk through the Senate's amendments. Because this bill is a hog house, it is more difficult to track the changes that have occurred in the bill. I would prefer that committee members ask questions as we move through.

Senator Tim Flakoll: We are using the 0800 version. Page 1, Section 1 relating to the Career Development is the same. Section 2 is the same. Approximately 40 of the sections the Senate really didn't modify. Section 3, page 2, we added that section—The DPI work with the Department of Human Services to get as many of the eligible children signed up and aware to sign up for the various low cost or no cost health insurance programs that are out there. What is the magic number—165, a percent of poverty plus all the markdowns? Should it be 175, 200, or whatever? We also feel through our committee that it is important we get as many of those eligible children signed up as possible. There is a logical mixing point with the children that come to the school, and that is a good time where you can get some of them possibly signed up.

Rep. Phillip Mueller: Why do we have it here? What other mechanisms are in place to insure that the children's health insurance programs are being accessed as they ought to be?

Senator Tim Flakoll: We know that some of the school districts provide some of the materials, not necessarily all. We felt a healthy child is more suited to learn. We are not going

the school nurse route which we have talked about at different times. This would be one positive step that we could take to help merge the two. We think there is more of a streamlined form that could be pulled together between the two areas, because we do have some knowledge of those that may be eligible. We already have a so called one cut on them because of the free and reduced meal program. They don't parallel in that we also have some deductions in terms of net income versus gross income like other states do. At least that is kind of a pool of about 42% of the students that could be eligible for those or their families could be eligible.

Rep. Phillip Mueller: What is that going to look like in terms of a district's responsibility?

Senator Tim Flakoll: We weren't that prescriptive in mandates of any kind. Section 4, related to the stimulus dollars. We want school districts to be fully aware and have no excuses whatsoever that we in the legislature or in the state of North Dakota will continue to fund in whole or in part any of the stimulus dollars that may come into the state. We are asking that a registered letter be sent from the DPI to each school district superintendent and each school board to tell them that they should be treating this as one-time non reoccurring expenditures only and that the state is not responsible to continue that level of funding. They also need to publish that in the paper so the public at large knows about that too.

Section 5—We have added one instructional day in our configuration. We did not choose to use the option of early dismissals. We went with one full additional day for professional development and one full day for student contact over the current allocation. We have gone from contact days of 173 to 174 and professional development days from 2 to 3. Those professional development days can be broken into either one 6-hour day or two blocks of 4 hours each. That would start the second year of the biennium.

Chairman Kelsch: Can you explain your rationale for not having for early dismissal considering the fact that was an issue that was discussed all during the interim? It was something that there was a great deal of agreement on. It is my understanding that the extra day is not funded in the budget. Can you explain both of those please?

Senator Tim Flakoll: We weren't convinced and I think that is the duty of any change is to convince the legislators that was the appropriate way to deal with that issue in terms of professional development. The change that the Senate made into four hour blocks, you could have professional development, one in September, one in October, one in November, one in January, one in February, and one in March. With respect to the second question, I think it would be hard to argue that when you put 110 million new dollars in funding that it couldn't include some additional carve out for contact days. It was a bit of a shell game in terms of the way the language was presented that we were adding earlier release but we added a day of contact and we were calling that extra contact day when probably most people didn't necessarily feel that was actually the case. We could have backed the funding level down to $90 million and started building it back up again if we wanted to say well, here's what we have for that extra day of contact days. North Dakota has the fewest number of contact days essentially in the United States.

Senator Layton Freborg: Getting back to the early dismissals—We felt that we worked so long and so hard so many years to finally define a day of school in elementary and secondary. We didn't want to be the ones to erode that because then we are kind of rubber stamping the possibility of everyone doing it. I know we have made some exceptions. I don't think we should have. We finally have a day of school defined, and I think we should keep it. Without speaking for or against what they were going to do with the additional time, if we have to do it I would prefer to do it another way.

Rep. Phillip Mueller: We added an unfunded professional development day, correct?

Senator Tim Flakoll: No, I would argue that it is not unfunded. We are giving them $110 million and here are the things we are asking for it.

Rep. Phillip Mueller: It is an unfunded day. In essence, day 181 doesn't have money to back up having staff on the plant site.

Senator Tim Flakoll: We could have appropriations which actually had the delineation of as far where they were targeting some of those dollars for, put that in there that instead of X number of dollars and break that out accordingly but we chose not to.

Rep. John Wall: Not allowing the day to be broken up into four two-hour segments for professional development day—I don't know what the best practices say about that, but administrators that have talked to me say that is the most productive in service. They can do it in a timely fashion. They can address needs as they come in. I am wondering if that entered into your conversation?

Senator Tim Flakoll: There was conversation about that. There wasn't enough feeling on the committee and the floor of the Senate that point was something they were looking to adopt at that point.

On page 5, there were no changes. On page 6, Line 2, related to the counselor positions. I think it was the original intent that the counselor positions requirement would kick in the second year of the biennium. That was added. Section 7, page 6—We replaced the language that said pursue with the student career development and work planning activities with the first sentence in Section 7 at the request of the various stakeholders' career advisor group.

Rep. John Wall: Page 6, Line 3, providing a counselor for every 300 students in grades 7-12 and then we say the career advisors can shoulder some of that responsibility because they are

freeing guidance counselors up by doing various career guidance. Was there any discussion in the Senate if we needed to reduce that number of students per guidance counselor?

Senator Tim Flakoll: No. Sections 8 and 9 had no changes. Section 10—We made some changes with respect to mentors and coaches. Mentors help out first-year teachers. Coaches are those that help non first-year teachers out. This would have affected, as it came to us, only three districts in the state. Essentially 190 (98%) school districts in the state wouldn't have access to that. We did not change the appropriation which is $.5 million. We recognized that the National Board for Teacher Certification Program is a very strong program that people say is as good in terms of developing a better teacher as anything that is out there. We set up with this $.5 million a National Teacher Certification fund of which you take the interest off of that. That interest could be used to fund the fee that is associated with the tenure of the national teacher certification. Each teacher that is eligible is done on a chronological manner as far as acceptance of those could receive up to $2,500 per teacher to pay for the cost of obtaining national teacher certification. You could estimate that 8 to 10 teachers a year could access that fund. One of the requirements that can be placed on those that receive or access those funds is they would be asked to be a mentor for other individuals.

Chairman Kelsch: Tell me how much interest and income is earned off of $500,000 a year.

Senator Tim Flakoll: You could probably get about $20,000 off of that at a modest 4% return. That would translate to about eight teachers a year.

Chairman Kelsch: What is the current appropriation for the National Board Certification?

Senator Tim Flakoll: That is in 1013. They had something for about $100,000. That would be the continuation of the payments. This is essentially just for obtaining it.

Chairman Kelsch: How does this number relate to the number of mentors that we had in HB 1400 as introduced?

Senator Tim Flakoll: I would have to check on that as far as the total number.

Rep. John Wall: Approximately how many teachers do we have seeking national teacher certification?

Senator Tim Flakoll: In the 20s. There is room for improvement. I think it is a hugely popular word of mouth program.

Page 8 was not changed. We reordered the sections. First, we have the required offerings at a school must provide a buffet of choices and that is in Section 12. Then we went to was required of those offerings to be taken by the student to graduate. That was followed by the opt out provision. Then we moved on to the scholarship portion. We felt that sequentially made a little more sense in terms of understanding the bill. Section 13—The only change that the Senate made was to move it up next to required offerings. Section 14, page 11, opt out provision was not changed except to move it up to a more logical sequence. Section 15, scholarship section—The only change was to changed the name from merit to the North Dakota Career and Technical Education Scholarship. On page 13, Line 20, we changed the name from merit to North Dakota Academic Scholarship. Section 17—We didn't change any of the requirements as far as GPA or the funding amount. Now the money will be paid directly to the institution. We believe this will help reduce the student loan debt our students have upon graduation. Sections 18 (summer school) and 19 did not change. Section 20—The only difference we made on the Senate side and this relates to career interest inventory was rather than just have one test in grades 7-10 inclusive, we thought it would be helpful to have one test in grades 7 and 8 and another test in grades 9 and 10.

Rep. Phillip Mueller: Are the districts going to be required for two tests versus one?

Senator Tim Flakoll: Essentially all these tests would be taken from state funds.

Rep. Phillip Mueller: Do we have appropriations that would allow for two versus one?

Senator Tim Flakoll: We did not add that to the appropriation. We have moved some money around in different places. There was about a $9 million shortfall as far as the appropriation on a per student basis as the bill came to us. That was modified.

Rep. Phillip Mueller: This group did not do that.

Senator Tim Flakoll: I am fully aware. I know there are other folks that sometimes look at these bills.

Rep. John Wall: On the career and interest test, would you view that as a job as a career advisor to meet with students, go over the results, or is this the guidance counselor's role?

Senator Tim Flakoll: It would probably be a career advisor if you have one of those positions in place.

Sections 21 and 22 are the same. Page 17, weighting factors—We did not change the weighting factor for ELL at the highest need level. Lines 22-24 inclusive gives a weighting factor of .10 for all other people that are eligible for the English Language Learner Program. We did not change the special ed. or REA weighting factors.

Chairman Kelsch: Let us go back to the ELL a moment. You made the comment that supposedly it was revenue neutral so can you elaborate on whether or not it was actually revenue neutral?

Senator Tim Flakoll: It was not. It went up significantly.

Page 19, Lines 3-9 inclusive--A lot of the language is the same as the previous section with respect to the weighting factors except with this we pushed back the at risk weighting factor. The effective date of this wouldn't be until the second year of the next biennium. This was a modification that was made by the Senate appropriations committee with full support. We need to look at something that will not walk the districts off the cliff when it comes to their federal stimulus dollars. Sections 25 and 26 had no change. Page 23, line 9-15 inclusive—

Last session there was some discussion about equity. One of the numbers we weren't able to get a handle on was mobile home taxes. That can be added to the determination of what the local funding is behind each student. When we look at taxable valuation per pupil, the tax revenue from mobile homes will now be included at 100%. There are some changes that are coming down the line with respect to how different utility companies pay taxes and the like. When we looked at some of these in lieu of taxes, we put them at 70% the same as we did for some of the other mineral taxes.

Chairman Kelsch: By putting it to the 70% it lessens the effect on the school districts as far as equity?

Senator Tim Flakoll: This would essentially be money that hadn't been accounted for before, but it will be at the 70% level similar to minerals not at the 100% level which would be for our houses and that type of thing.

Rep. Phillip Mueller: The part about electricity generated from sources other than coal—can you talk about that a little bit?

Senator Tim Flakoll: That would include wind.

Rep. Phillip Mueller: Why are we excluding coal?

Senator Tim Flakoll: The language would be such that it includes all those other than coal.

Chairman Kelsch: Coal is already included but this says that additional generating sources beyond coal are also included.

John Wall: Do we know the effect this will have on any certain school districts?

Senator Tim Flakoll: I don't think at the time of the vote that any of the committee members did, or at the time of the vote on the floor of the Senate any of the senators did, but I think we can all agree that this is the right thing to do in terms of equity counting as many of the dollars as possible for the major sources.

Chairman Kelsch: There may come a time during these conference committee discussions that we may have to have a discussion about the funding formula and potential changes that will have to be made due to some new pieces of legislation that have just passed that do have effects on the funding formula.

Senator Tim Flakoll: We know that the taxable valuation per pupil will go up.

Rep. Phillip Mueller: We have dealt with electrical power, mobile homes, and telecommunications. In your discussions were there some other things that needed to be part of this that are currently still not part of it?

Senator Tim Flakoll: I don't think that anyone of us thinks we have missed anything so far. We thought it was more appropriate that we would have that language in this bill rather than 2199.

Sections 28, 29, and 30 are the same. Section 31, page 25—Those would be more technical in nature based upon the previous discussion about the school calendar. Section 32, page 26—We should consider this an open section. Essentially we have money that is received around the Lake Sakakawea area because of some of flooding issues that have been dumped in recent weeks to schools and have a great deal of specificity with them with respect to what they can and can't spend them on and when they have to spend it by. We will still need to do add some language for ending fund balances so that schools are not negatively impacted by federal stimulus dollars.

Chairman Kelsch: We may have to put some stipulations in this section to lay out a little more specifically time frames for the money to be spent so that we don't just allow it to sit there and maybe refer back to the current sections of code that we have so it is not used for building brand new buildings. If it is going to be used for building brand new buildings, it needs to go

through DPI. We do need to tighten it up a little bit, but certainly we do not want to penalize those districts.

Senator Tim Flakoll: Page 27, Section 33—The superintendents from each of the three respective districts would be appointed by the chair of the Legislative Council rather than the Governor's Office and there are term limits imposed on those positions. Page 28, Lines 13-14—We have added the Director of Career and Technical Education to the commission as a voting member. We took a school finance person off there. Lines 22 and 23 had a change made by the appropriations committee.

Rep. Phillip Mueller: One of the concerns might be in regard to the commission's membership. Why did you put the term limits on there?

Senator Tim Flakoll: We did want a certain degree of rotation on there. We did think it was important to keep things fresh so this doesn't become a commission that is too narrow in their focus.

Rep. Phillip Mueller: The commission has been set together pretty well. The proof of that is just the point you made just a moment ago and earlier in that we have a bill that is probably as close on as we have had in some long while here.

Rep. John Wall: Is there a limit to how many people can be on the commission?

Senator Tim Flakoll: The limit is as far as who is at the table are those individuals or organizations that I pointed out before you. In the course of the commission we have had 18 different people that have sat at the table.

Rep. John Wall: The P-20 has been talked about. I would like to see if possible because we are trying to get the seamless transition if we could get a K-12 teacher and college professor at the table preferably from the same discipline to work out some of the differences that right now occur.

Chairman Kelsch: I don't have a problem with Legislative Council doing some of the appointing. What I do have a problem with is I am not sure that the expertise is there with the chairman of Legislative Council.

Senator Tim Flakoll: We have discussed some of that. Page 29, Subsection 3B, provides for compensation for those that are legislators on the commission and that person who is a business manager/business owner. Former Superintendent Larson is to be credited with this. Whatever work is done on this commission and the work on this bill, it is about the kids and what is best for the kids.

The meeting was adjourned until later that afternoon to complete this.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 15, 2009

Recorder Job Number: 11883

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Minutes:

Chairman Kelsch stated we are going to continue the discussion from the morning on the changes in HB 1400. We had completed Section 33 regarding the makeup of the commission on education improvement.

Rep. Phillip Mueller: Do we sunset? Do we do away with the commission at some point in time in the bill as we get further into it?

Senator Tim Flakoll: Yes, I briefly mentioned that at the end earlier. That will come at a later section. It will be sunset December 31, 2010.

Section 34, page 30, relates to special education and we did not alter that in any way.

Page 31, relates to the early childhood education council. We did not make any modifications to Section 35 as it relates to the council. The House reduced the number of districts they were looking at for pilot projects by four districts, and the Senate also reduced the number of pilot projects by four.

Rep. Phillip Mueller: I think there are eight sections are off in cyberspace someplace having to do with prekindergarten. A brief explanation on why we thought that was a good plan or wasn't a good plan?

Senator Tim Flakoll: There were a number of points of discussion related to the pre-K programs. Word was out there that there were 7,000 students that would be getting this. I

think we would all agree that at no point were there ever 7,000 children that would be eligible for that. I believe as the bill was introduced it had eight school districts that could be eligible for pilot projects.

Chairman Kelsch: The way the bill was introduced initially there may have been 7,000 students affected because initially the bill had the factor in for preschool. When it came to you, it did not have that in there any longer because we had amended it down to four pilot projects. We never had eight. We always had four.

Senator Tim Flakoll: The pre-K was something that was looked at by the commission and added in there at our October meeting which was in Minot. We spent some time on it but really didn't have as much time to delve into that as we did with many other areas. There were a number of reasons why that were cited in terms of the school districts. One is, and this would be coming from some administrators or school board members, this being the first year of all day kindergarten where in some instances people are having to make some accommodations to transition to that, meaning spatial requirements in some districts and providing proper staffing for that. We essentially took the similar amount of money and looked at what do we want. Do we want to add new programs? Certainly there are a number of new good programs that are in here. The Senate took more of the position of let us make sure we adequately fund those existing programs that we have. We basically had taken the money from the pre-K program and put in here an equivalent amount in the ELL program realizing that it is an existing program that has been around for a number of sessions that when compared to the average student, has a disproportionally low number of dollars following those students.

Chairman Kelsch: The Senate education committee removed the $1.5 million for the four pilot projects. However, it was my understanding that you did not restore that money. That

money was just gone. Has the money in 1013 been restored to cover the ELL funding or did you make an assumption that the 1.5 is in for the ELL funding?

Senator Tim Flakoll: 1013, generally speaking, is the same number of dollars that we kicked across. We moved some of the categories around. We have decreased the pre-K funding by approximately $1.5 million and have increased ELL funding by about $1 million per year. That is reflected in 1013.

Chairman Kelsch: Where is that additional $500,000 coming from or is that just part of the $110 million?

Senator Tim Flakoll: Part of the $110 million. As the bill came to us, it impacted only 2% of the school districts. As such, 98% of the school districts would not have any involvement in it from the state standpoint. Around pages 71-73 of the commission report, it says that we recommend that the state consider funding preschool for 3 and 4 year olds at least 4 children from families with an income at or below the 200% poverty level. We looked at the cost to continue. Right now the cost to continue for next session is about $42 million for nothing new. If we were to go a full blown program for pre-K, we would add about $23-$26 million to that for the biennium. We have already allocated $65 million for costs to continue a full blown program. Should we get too far ahead of the early childhood education council and their recommendations, do we want to put something in place and take some of their ability to have significant say or involvement in that?

Chairman Kelsch: Let's go back to your statement you made regarding it was not a real resounding endorsement for the preschool program. Would that be somewhat similar to deferred maintenance during the last go around during the funding formula discussion and recommendations from the commission at that time?

Senator Tim Flakoll: That could be. One of the differences would be the deferred maintenance was a one-time situation and did not have the cost to continue associated with it. We do have a special weighting factor for some of the pre-K children on an IEP. They get an equivalent of a 1.17 weighting factor for FTE. They would be eligible to receive a base payment of $4,329 plus any federal applicable money. There are about 900 kids that are already receiving that. We could in essence have an increase of approximately, if we were to go to a full blown program, 8% in student numbers. How would we manage that from a local standpoint? We also heard from some private providers how this would affect their business plan.

Rep. Phillip Mueller: It was a pilot. There may be costs to continue. There may not be. Those things are determined in a pilot program. You referenced 2% being affected. Maybe it wouldn't be 2%. The way it has been done in about 42 out of 50 states they have gone through that process to make sure that in their initial pilot program they weren't stealing kids out of head start or existing pre-Ks. I am not sure I am totally convinced about all the arguments against pre-K.

Chairman Kelsch: For background, there was a subcommittee that was developed out of the commission which actually met as a subcommittee of the whole committee and brought this forward. The Governor came forward and said that he wanted to put together some early childhood initiatives as well as daycare initiatives and pushed aside the pilot projects which was the recommendation was initially. All of sudden the Governor said no, this is the direction that we want to head and that is why the commission put in the factor for the two half days of preschool into the commission recommendation. Had that not happened, the recommendation and the commission report probably would have been different. This is a question that I do not want an answer today. Does the state feel as though they will be ready? I am guessing we

will need to be ready within the next of couple of years and probably the next biennium. Every single speech that the President has made talks about early childhood education will be provided to all children. I had been alerted to this. I have seen this in his papers. I have seen this coming out of the U.S. Department of Education. It is one of those things that I am not necessarily looking forward to if we do indeed receive a mandate, but I do want to make sure that we are ready. If we believe there are enough programs going on right now in the state that are currently operating, and I know there are a few school districts that have them, and that they are doing a very good job and that those are models that we can look at to develop our policy that would be great. If this council gets up and running and can make the recommendations to us and we can enact them during the next legislative session, that will be great. The biggest concern that I have is that I do not know that we have the collaboration in the general public. When we had our subcommittee meetings, the discussion that we had was how can we get school districts to not necessarily take on pre-kindergarten on their own but to work in partnerships with head start, with the private providers, and with the faith based providers and not recreate the wheel? There would probably have to be some things involved in policy making that we as legislators would have to deal with such as making sure that the teachers actually have the qualifications to teach it.

Senator Tim Flakoll: There are 23 states that don't have it?

Chairman Kelsch: No, there are 11 or 12 now.

Senator Tim Flakoll: The week we had this on the floor one of the major networks said there were nine states that are looking at repealing their pre-K programs. We all realize there is benefit to virtually all the things that people may want to do. We are not denying that. In those situations the overriding problem that they encountered was they needed to cut.

Chairman Kelsch: They are cutting funding, last in, first out. We understand that.

Senator Tim Flakoll: Section 36, page 32, remains unchanged. Section 37, page 33—We added language that allows a per diem to the legislators who may serve on the council.

Chairman Kelsch: This section was added in because the appointments now are being made by Legislative Council so we can actually receive the reimbursement? Would that be a correct statement?

Senator Tim Flakoll: This relates to early childhood council. Section 38, page 33—We did change the title from teacher improvement to teacher support system grants. Some of the smaller districts may not have any new teachers for a biennium cycle, a five-year cycle. Maybe their newest teacher was hired 12 years ago so with this when we are looking at mentors for first-year teachers, how does this help them? In the absence of first-year teachers, they could apply to the department for an equivalent amount so more districts are covered and we are not limiting it to the first-year teachers. We chose not to provide stipends for the mentees. If you are being helped and you are learning, you are not paid to learn. We limited the administrative expenses to no more than 5% of the total appropriation for this which is $2.3 million.

Rep. Phillip Mueller: How did you arrive at 5%?

Senator Tim Flakoll: Often times that is a standard that can be applied in different organizations of similar type. We also looked at what they had in terms of actual dollars, and we think it is doable. Section 40, 70% language, page 35, Lines 1-5 inclusive—That was an early amendment that was put in that says the federal money that a district may receive from stimulus money is not subject to the 70% language unless for some reason there is a dollar for dollar replacement of some state funding.

Chairman Kelsch: Isn't that redundant language considering the fact that we say on page 34, Lines 11-15 that they shall use an equal amount to at least 70% of all money received by the

district which is related to the state monies. I guess I was actually talking about Lines 19-24 where it says determining the total amount of state dollars received by each district and that equity payments are not included transportation payments, mill levy reduction payments, regional education association participation payments nor contingency distributions are to be included in the total. It seems to me to be very confusing. I am not sure what your real purpose is the dollar for dollar basis. I question whether or not this is actually necessary any longer considering the fact that they know that federal dollars wouldn't be used. It is only state dollars. Maybe you just need a clarification on page 34, maybe on Line 23, add in federal stimulus dollars.

Senator Tim Flakoll: We still don't know how the money is going to arrive at the district level. We felt this was the safest way to affirm that federal stimulus dollars aren't part of it.

Chairman Kelsch: I think we understand that they are not part of it, but I think this paragraph really is more confusing than getting the job done. Currently 70% only applies to state dollars.

Rep. Phillip Mueller: You don't postpone the usage of the money. To put that into code might not be the wisest idea.

Chairman Kelsch: Unless it is used on a dollar for dollar basis to postpone state funding increases that would otherwise constitute new money.

Senator Tim Flakoll: Section 41, page 35, Lines 25-26—As it came to us, it had a per mile rate for large buses at $.81. That number did not reflect the $2 million that were increased by the House. We moved it to $.86 for the large buses as it left the Senate education committee. As it moved into the Senate appropriations committee, they added another $3 million bringing the total of hard dollars up to 10 million in new funding for transportation. As the bill was introduced, it was at $5 million. The House added 2 more million. Senate appropriations added 3 more million. We are at 10 million with that. I believe it was the House appropriations

committee that added trigger money of $5 million which is in 1013 to it so really the combined package, if everything would come into place, could be up to $15 million. That is a 30% increase in hard dollars up to a 45% increase if the trigger mechanisms are hit. Section 42, page 36, is the same. Section 43 is the same. Section 44, page 37—This is the Selfridge portion of the bill. That remains the same. Section 45 on that page which ties back to Section 55 from last biennium is that special education language that is generally the same. As it is now, it has the emergency clause that applies to it so that those dollars estimated to be $4 million could be paid out yet this biennium which would kind of fill in the pothole for the shortfall that is projected. Section 46, page 39, is the same. Section 47 is the same. Section 48, repeals—15.1-21-02.2 relates to high school graduation requirements that have to be repealed because of the change in the high school graduation requirements that we have. 15.1-27-20.1 relates to the minimum mill levy that long longer is in existence. The last one is the definition of English language learner that was modified so that is not changed. Section 49 ties with Line 27 of the same page which in essence sunsets the commission on December 31, 2010. Section 50, references to Sections 13 and 14, that would become effective the second year of the biennium. Those are the graduation requirements. Line 28 would be the effective date for the weighting factors for at risk students. Section 51 is new language that was added for flood damaged schools. Again, that ties back to Section 32. They want that essentially swept through in a prescribed period of time ending on June 30, 2010. Sections 32 and 35 would be the special education portion of it for the current biennium. The deferred maintenance portion in the amount of $10 million has been slid over to be included in HB 1013. The trigger mechanism dollars are in 1013.

Rep. John Wall: Under transportation, does the $.86 right now reflect what appropriations had done?

Senator Tim Flakoll: No, that is one of the areas we are going to have to modify as we move forward because that only reflected $7 million. Now we have added $3 million to get additional dollars to that because of action of the appropriations committee. They didn't connect the dots fully on that. We need to make changes with respect to the categories so that we can fully use the $10 million in hard dollars.

Chairman Kelsch: Was there a fiscal note prepared? It was noted on the fiscal note that had been distributed that there was $43.5 million for transportation.

Senator Layton Freborg: Do you really believe that the language that we have in the bill is adequate to insure that we don't have to apply the 70%? You also made a statement about the necessity to spend those funds as stimulus funds. What is going to happen with all the other money being spent with replacement dollars in the state budget?

Chairman Kelsch: What you are asking if for example, we took $50 million out of the current funding for K-12 and used stimulus dollars to kind of fill that hole, how would that work? Then if we took that other $50 million and put it into a savings account? That one is going to cause some problems, and the reason that will cause problems is because of the formula that is used to do that, the Title I formula. In that situation if you are using it to substitute state money, you may have to use that as part of the 70%.

Senator Layton Freborg: I agree.

Chairman Kelsch: I think the language that is currently in there is confusing, but we do need to come up with something. We do need to have a statement in there regarding the federal stimulus money, but I think we have to try to figure out what the best language is.

Senator Layton Freborg: That is fine. I just wondered if you thought our language was not needed and the language that is there is adequate? I am happy to hear that you believe we need to do something.

Chairman Kelsch: I think we need to do something with it, but I am not positive that what we currently have is going to get the job done. We will work on that language also. Is it safe to assume at least today that the language where there were no changes between the House and the Senate that those weren't bones of contention and probably not issues that we will need further discussion unless there would be something that would change over the next week?

Senator Layton Freborg: I would think from our side certainly there that we didn't make any changes in is acceptable. Hopefully, it is to you too.

Chairman Kelsch: We will walk through because there might even be some new sections that are also acceptable and we can get them off the table. Then just deal with the issues that we need to deal with our differences. As I stated, I think there are some other issues that we need to address in this conference committee that have occurred since both of the policy committees had their hands on the bill.

The meeting was adjourned until Friday morning at 9:30 a.m.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 17, 2009

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Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch: I would like to go through each of the sections and make sure we have the agreement on those sections so that those sections can be pushed aside for now, and we won't deal with those sections. I have technical amendments that I will bring next week so we can get those adopted.

Senator Tim Flakoll: Make sure we are on the .0800 version.

Chairman Kelsch: There was no change to Section 1 which is the career development facilitation, the certificate, and the qualifications. Unless you object I am going to say that one will be one that we are in agreement with. Section 2 is the career development facilitation provisional approval—no change. Section 3 was a new section. It added in that the superintendents would have to let the Superintendent of Public Instruction slightly develop a system for families of children enrolling in public school to let them know about the federally funded health insurance programs, SCHIPS. That one is approved as well. Section 4 is a new section that we will have further discussion about. Section 5 is the professional development day and will need more discussion. Section 6 and Section 7 will be discussed further. Section 8 was the student performance strategist, their qualifications—no change. There was no change in Section 9. Section 10 was new language and further discussion.

Section 11, no change to the professional development plan. Section 12 which is the high school offerings there was no change.

Rep. Phillip Mueller: One of our sections did disappear that had to do with course offering requirements. I don't know if that was in that section we just said was okay.

Chairman Kelsch: Senator Flakoll, was that in Section 13?

Senator Tim Flakoll: That was taken out, because we had put what we considered the major gist of much of it in another bill that had already passed. A couple of bills had dealt with those same areas—reading the constitution and personal finance.

Chairman Kelsch: Because in this bill we repealed those sections of code where that was put, will that still, because the bill has passed, will that because that was in that section of code...

Anita Thomas: It would be repealed, because this will be the later passed section. If you wish to retain any of that material, it would take an amendment.

Chairman Kelsch: I thought that is probably what happened. That section was repealed so that meant it would go away because we renumbered and reworked the sections over. It would be gone.

Rep. Phillip Mueller: That may not have any effect on Section 12, so that can be a discussion for another time.

Chairman Kelsch: Section 13 is the graduation requirements. There was no change to that language. Section 14, no change, which is the opt out curriculum. Section 15 and 16, the name of the scholarship was changed and will have more discussion. Section 17 was changed. However, we had approved a bill that had this similar language in it so it may not be an issue, just that the Board of Higher Education would forward the scholarship directly to the

institution in which the student is enrolled. That section is probably okay as well. Again it would go back to what we decide to use for the name of the scholarship.

Senator Tim Flakoll: We would probably need to at some point insure that—I believe there are probably three bills—we have to get those all reconciled somehow.

Chairman Kelsch: I think there are only two left. I think it is 1400 and the monies are appropriated in the higher ed. budget which is 2003. There might be a reference in 1013. I know the money for the scholarships is actually in the higher ed. budget bill. The other bill that had been sent over where the scholarship money was initially from the Senate was defeated and those monies were moved in 2003. Section 18 and 19, no change. Section 20 says that the school district shall administer to the students once during grades 7-8 and once in grades 9 and 10 the career interest inventory. I don't think anyone probably has a problem with that but we can leave that one on the table for discussion as well. Section 21 which deals with the summative assessments had no change. Section 22 also dealing with the summative assessments with the GED, no change. However, I do know that we have some technical language I know for sure that is going into this section. As the section sits today, I think it probably is okay. Section 23 is the weighted averages for ELL and will need more discussion. Section 24 will be basically the same. There are some changes that have been made and they are with the at-risk factor, so I think we will have a little bit more discussion about those items. Section 25, the per student rate, no changes made to that. Obviously, we will have to make those changes once we have the 1013 settled. Section 26 which is the baseline funding had no change. Section 27 had some amendments added in there. We will hang onto that one. Sections 28, 29, 30 had no change. Section 31 was amended and we hang onto that one. Section 32 needs to be left open for some discussion. We need to make sure that we nail that language down. Section 33 is still open and available for discussion. That is the

makeup of the commission. Sections 34, 35, 36 had no change. Section 37 deals with the early learning council. They are allowed to receive payment. That one is probably an okay section. Section 38 is the national board certification. That one will be left open for discussion. Section 39 is an appropriation and we will leave that open for discussion. Section 40 has some issues dealing with the federal money and trying to figure out exactly what language we should have in there. Section 41, we will need to reconcile the cents per mile for school buses so that will be an open section. Section 42, the reorganization planning grants is an okay section. Section 43 regarding the $25,000 REA grants was not changed. Section 44 is the amendment for the South Heart school district was unchanged and okay. Section 45 is the contingency money for special education and was not changed. Section 46 is contingency money for 09-11, no change at this point. Section 47 is a contingent transfer for the special education and has no change. Sections 48 and 49, the repeals, will hold onto those. Sections 48, 49, 50, and 51 will all need to be changed as we move through the bill.

Let us talk about Section 4 a little bit. The language that is in here is the notification of the federal monies. The question I have about this is this pretty much standard notification language?

Anita Thomas: A notification by registered mail, called certified mail by definition, and publication in the newspaper is common.

Chairman Kelsch: Senators, why did you think it was important for this language to be in there? Explain that amendment a little bit.

Senator Tim Flakoll: We didn't want to get into a situation where for some reason some people came back to us next session and said I thought this or well, aren't you going to make us whole. You are cutting us because last biennium we had this many dollars because of those dollars and now we don't. We aren't exactly sure how those dollars will be metered out,

whether they will be direct payments or if they will be run through the state or DPI. We didn't want to have them think that because they maybe ran through the state that those are deemed state dollars and as such we should make them whole and increase off of that. We felt that when you stand back and look at who should be informed of that at the district, certainly the superintendents but those can change from year to year, time to time. The school board members, just to make sure that there is that communication, and by us having that to them, we are forcing that to make sure that not just the administration knows about it but that the board members know that, treat it as one time dollars only. The patrons of the district are aware that you are going to be getting these dollars, some more than others. Please be aware that, again, treat these as one time. The state will not be treating these as reoccurring payments and as such do some smart things with them.

Chairman Kelsch: It seems reasonable. We have approval on that one. We will vote later. Let us talk a little bit about the federal monies on the top of page 35. The dollar for dollar basis is a little bit confusing. Is it passable that we can put a period after money on Line 3 and that would be adequate?

Senator Layton Freborg: Is someone uncomfortable with this language?

Chairman Kelsch: Yes, there are a few people that have been uncomfortable with it and really it is that dollar for dollar basis. It seems that it may not be necessary to have it, because really what you are saying is the federal dollars coming to the state would not be considered new money.

Senator Layton Freborg: Of course, federal dollars replaced state money. Then they would have to be considered.

Chairman Kelsch: If they are replacing the state money, if you are running it through the funding formula, then it would be new money. I think that language is just confusing. Another

technical amendment would be on page 34, starting on line 22. We talk about the regional education association participation payments. However, we are running the REA money through the funding formula. The $25,000 REA grants which are to be used for administration--that may be the exclusion that needs to be there. We may need to clean that up a little bit.

Senator Tim Flakoll: We have to keep in mind the direct payments to the REAs so that if they have just one administrator, we are paying about half the cost of that person and they have to figure out how to pay for the other half of the cost. If 70% of the new money that goes to REAs were to apply to that, they would need to use the 30% for that administrator just to make up.

Chairman Kelsch: It is the $25,000 grant?

Senator Tim Flakoll: Yes. We have to think through that to make sure we have enough so that they can pay for that what is used for their first employee, the administrator.

Chairman Kelsch: This is a question for Anita. For 07-09 we exclude equity transportation, mill levy reduction payments for regional education association participation payments nor contingency distributions are to be included in the total. For 09-11 we only exclude the transportation payments. Is that being done there because those REA payments are now going through the funding formula so that you don't have the REA payments in there or is that then you are doing the subtracting so you are going into the formula itself so that is why they are not listed there?

Anita Thomas: The questions that you are asking are under discussion in our office and DPI right now. It will be amended to clarify that section.

Chairman Kelsch: It is actually being done? Anita answered yes to that.

Senator Tim Flakoll: The only thing I would add is there may be some other ones where we targeted dollars, as an example toward testing whether it is the ACT or others. We are providing you with these dollars for that specific use. We may want to look at adding those to

the list.

Chairman Kelsch: I would recommend we start getting the amendments drafted so that we can discuss the amendments and get the bill going.

Senator Tim Flakoll: I tried to do a quick tally. This morning we approved approximately 27 sections. We have about 20 that we have held on.

Chairman Kelsch: Some of those are just in need of a little bit of tweaking.

The meeting was adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 20, 2009

Recorder Job Number: 11975

Committee Clerk Signature	Carmen Hart

Minutes:

Chairman Kelsch: We have definitely put away a fair amount of the sections in the bill. I think we do have a couple of areas that we need a little bit more discussion. This morning we will have some discussion on some of those sections and see where our differences are so we could prepare amendments or determine what we want to do. This afternoon I will bring in some of the technical amendments and bring those up and visit about those and try to adopt those technical amendments. Wednesday, we will consider further amendments or discuss what it is that we potentially will need. There are some bills out there that are of concern to me and how they will work, interfere, or raise havoc with the funding formula if they do any of those things. We are going to monitor those. If we do need to make any changes to the funding formula, it would be better for us to be proactive and do it now rather than having to come back and make changes at the beginning of next session or make the changes retroactively. Section 5 is the professional development day that does not include the funding at this point. The House had the four early dismissals. Senator Flakoll, would you please remind us again of the discussion that happened down in your committee.

Senator Tim Flakoll: There were some concerns about how the time for the early dismissals might be used in terms of not too prescriptive maybe in the bill as it came to us. It could be as little as 1 ½ hours. There were some districts that didn't know that it would fit their model as

well as a full day option. There had been some discussion about making sure the same class and the same students weren't impacted on all those early dismissal days. We had some discussions in that if in fact it was a two-hour scenario that they would be looking at or others that under current law if each professional development day could be broken up into four hour blocks. We felt the language is a little misleading in that we say we are going from 173 to 174 contact days. You would probably need to insure that so called additional day would be a contact day and would be described as such. Our committee felt that there is value in having contact days to the student noting that North Dakota is basically at the bottom in terms of number of contact days in the United States. If they wanted to break them up into smaller blocks, they could do four hour blocks for example one in September, one in October, one in November, one in January, one in February, and one in March. We use the REA model to deliver professional development if that fits very well with the early dismissal days.

Senator Layton Freborg: Senator Flakoll and I had a very minor disagreement on this. I am not sure we have resolved it yet. I will reserve what I am thinking rather than to contradict something he may be thinking.

Senator Ryan Taylor: This is one of the 3-2 decisions in our committee. There were feelings on the committee, of course, that early dismissal is not an appropriate learning environment for teachers, and the teacher we had on our committee was very positive about the House version of the bill.

Rep. Phillip Mueller: One of the things that we have currently in the law is the six hour piece and the four hour piece, and they can leave that into two days as they choose. Adding that third option of two hour or whatever variation that might take for individual schools that want to do something on their own in their school made a lot of sense to us and I guess that is why it was in our version of the bill. We have to come to some resolution on is funding or not funding

it. As you well remember, the House sent the package fully funded for 181 days and that certainly changed. We are hearing from many that not having the funded staff development day or funded contact day is problematic.

Rep. John Wall: I think the two hour segments for in service are very justifiable. Past practice research shows that a lot gets done. I believe we should work hard to make certain this happens. I know there are concerns. One of the problems always in schools is if you target and release students from the same periods. For instance in a seven-period day if you take out the two hour segment, knock out periods 6 and 7, contact time is lost. I think that can be relatively addressed by schools. They do it now. They are aware of that problem whether it is early out for some kind of lyceum, whatever. If they know they are hitting a period hard, they just switch the periods around in the day. I am not saying it is always easy. A lot of them are in vocational centers. They have to make sure everyone is on board. When we as legislators have training on computers, laws, whatever it happens to be, after about 90 minutes I don't know about you but I kind of fade out. A lot of things in education today are technology related, and two-hour segments I think are perfect. Two-hour blocks are just perfect. I think school administrators for the most part think it is important. I think teachers find it is the best learning environment. I fervently believe a real positive piece in 1400 is dividing that day into two-hour segments. The unfunded mandate bothers me—the extra day and no money behind it.

Chairman Kelsch: It looks like this is one of those areas that we do have a difference.

Senator Tim Flakoll: As it came to us, do you read it that they have the option of doing four hour blocks versus early dismissal, or they only can do early dismissal?

Chairman Kelsch: What you are saying then is in the 500 version if that was just another where you could do your six hour, four hour, or your two hour? Is that what you are asking is whether or not all of those options would be available to the ...

Senator Tim Flakoll: That additional day of sorts. I am not sure it reads that way or not. There is the word may in there—may do that but it is mandated that they have that.

Anita Thomas: It looks to me like in the 500 House version, it defines day of professional development meaning six hours and the current two hours beginning with the 2010-2011 school year the school districts will then have the option of using four of the days for instruction or the early dismissal dates. That is not a mandate. That is an option for them.

Chairman Kelsch: They would have the three options then?

Anita Thomas: Yes, that is the way I am looking at it.

Chairman Kelsch: For all of them? I thought the way the bill was written, one of the professional development days could be used for four early dismissals, but not all four days could be used for the two-hour early dismissals.

Anita Thomas: It appears in the 500 version, it talks about four days being used for early dismissal that would be 1 to 1 ½ hours—at least 1 ½ hours.

Senator Tim Flakoll: That additional day could only be used for those early dismissal days?

Anita Thomas: It says may. It doesn't say they have to.

Chairman Kelsch: That potentially could be a problem.

Senator Tim Flakoll: There are two existing professional development days that are paid. Can those then be used for early dismissal also or just this one? I thought it was only the proposed one additional day could be used for early dismissal.

Chairman Kelsch: That was the way that I thought the bill read too. Only this new additional day of professional development could have the two-hour early dismissal.

Anita Thomas: If that is the intent, I would want to carefully examine ...reflect the language.

Senator Layton Freborg: Do your conferees have a firm position on this?

Chairman Kelsch: The intention was that we did like the ability to have the one day where you could have the early dismissal. We have heard all through the interim that was beneficial to the school districts, but if there is something that we can work out as a compromise, we would probably be willing to look at something else, maybe something in between. Section 6 is the counselor positions. The biggest change here was the effective date to the second year of the biennium. I haven't heard anybody making too much noise about the change made in this section.

Rep. Phillip Mueller: I would be interested in the Senate's reasoning for that. Why are we starting the second year versus the first?

Senator Tim Flakoll: I think that was always the intent even when it came out of the commission to have that. It is one of those things that sometimes it wasn't as easy to catch when you are going through it and looking for things. We would like to have this in place now. We wanted to use some caution in terms of moving too quickly on this to allow schools to get to a place where they can meet the requirements of this. By having a year to get to that point their employment practices will allow them to do that.

Chairman Kelsch: Do you think we can agree on that section?

Rep. Phillip Mueller: What impact if any does that have on the funding part of it?

Chairman Kelsch: I don't think it has any. When the bill was drafted, everything that was in the bill was funded, so I don't believe that it will have any effect because it was intended that this would start the second year of the biennium all along. We can agree on Section 6?

Senator Tim Flakoll: Looking at a fiscal note dated February 11 and that one has it starting the second year.

Chairman Kelsch: Section 7, career advisor duties. You took and made some of these changes based on some of the input that you had from guidance counselors. Was that correct?

Senator Tim Flakoll: That was the case where we had offerings up by those experts in that area that we adopted.

Chairman Kelsch: Committee members could we get thoughts on this, acceptance on this?

Rep. Phillip Mueller: Career counselor shall provide so on and so on. Does that mean they can't do things other than that? In other words they can't get into drug counseling and that kind of thing.

Senator Tim Flakoll: That probably would be a question for Anita. It doesn't say it is limited to. Certainly some of these could be teachers also.

Anita Thomas: The inception does not limit the role of the career advisor. It just states that the particular activity has to be included.

Chairman Kelsch: We are okay with this. Section 10, national board certification fund. I don't know that this is a real bad idea, but I think one of the concerns that I have is that you will have a limited number of teachers that will go through this in a year to become national board certified. The purpose was to set up the mentorship program, the instructional coaches and get them into the classrooms as quickly as possible where this will take maybe a little bit longer and not necessarily get a typical program up and running relatively quickly.

Rep. Phillip Mueller: History shows this system will take care of those certified teachers given what we know about how many of them have come forward. What if there is twice that number? It does do some limiting.

Senator Layton Freborg: If there is a downside to this program, it perhaps is that there isn't enough money to produce the handle the number of people we may get. I think it is a better

way to spend the $500,000 than the way it was in the bill. Perhaps that fund could be added to over the years. If we had a couple million dollars in there and some decent interest, it would provide money for quite a few slots.

Senator Tim Flakoll: I am more worried on the other side. With history as our guide we would have enough applicants to fill up those slots. Say if we had eight a year, it would increase by more than 50% the number that we have currently in the state of North Dakota. We have paid for those one way or another through bills and fixes over a good number of biennia.

Rep. Phillip Mueller: I don't disagree with that. The other part of this we will come back in two years and if we find we had a monstrous run on this whole thing, we could do what Senator Freborg is suggesting and increase the fund at that point if we thought necessary.

Chairman Kelsch: We will leave that.

Rep. John Wall: Under Part 3 one of the conditions may require these recipients to mentor other individuals. Would this be a requirement as part of the $2,500 stipend, or would they be additionally beyond that?

Senator Tim Flakoll: The intent would be that if they were to receive this $2,500, they could be asked to mentor people with the requirement of receiving the money.

Chairman Kelsch: Sections 15 and 16—the only difference here is what we are naming the scholarship. As it left the House, it was merit scholarship. Now it is the North Dakota scholarship.

Senator Layton Freborg: I don't know about the rest of them, but I received some negative feedback. It seemed to be demeaning to the group that had to go for the alternative diploma, and I think the word merit was the major problem. I think technical is much better accepted. The public may believe that it is a better situation.

Chairman Kelsch: Both of them would just start out being North Dakota. I don't know that there is anything real wrong with that. It is clean. It is simple. I don't think there is any real heartburn over that. I think we can probably accept that. I think Senator Freborg is probably correct. Sections 15 and 16 I was checked off as approved.

Chairman Kelsch: Section 23, page 17, Letter K, weighting factors for ELL. We had a little bit of an unintended consequence or was it an intended consequence when we changed the factor?

Senator Tim Flakoll: It wasn't quite what I thought it was going to be once it came out. For me it was unintended.

Chairman Kelsch: Are you continuing to work on this factor? We also need a little work on Section 24 with the at risk factors.

Senator Tim Flakoll: I have some amendments that are being drafted.

Chairman Kelsch: Section 31 relates to the professional development days so we won't do anything with that. Section 32 relates to some of the school districts that are receiving—I hate to call it a windfall, but it kind of is a windfall for some of those districts. We need to make sure that this language very specific. We do have the needed allowances in there. We also do need to give them a timeframe for which the money should be spent. As I stated before, for some of these school districts that do have projects that need to be completed or started even they have to put the bids out. Just giving them a year is too little time. The biennium might be adequate. You may have to go to three years.

Senator Tim Flakoll: This section ties in with Section 51 which has the expiration date as June 30, 2010. Likely we will need to add some federal stimulus dollars.

Chairman Kelsch: Think about language that we will eventually have to give to Anita.

Senator Layton Freborg: I think we should have language that simply says the funds need to be obligated within that period of time, and I think a biennium is more than adequate. In visiting with the district that I believe got the largest sum of money, they said if we gave them time no matter what reasonable length of time that was, they could obligate the funds. Bid letting would certainly be going in the right direction toward obligating the funds.

Chairman Kelsch: If they go through the bid letting, do we need them to sign the contract and then are they actually obligated? Is just the bid letting an obligation?

Senator Layton Freborg: The bid letting does not obligate them to anything. For our purposes it might be adequate to convince us that this is what they are going to do whether they have an additional bid letting because the first ones are too high or whatever. At least their intention is to do that.

Senator Ryan Taylor: As we add the federal stimulus into this section, I think as I have heard it talked about, that money has to be spent by 2011. We could try and match our language as to what is in the stimulus requirements.

Senator Layton Freborg: There is some obligation with the bid letting. They go through a costly process prior to that with an architect, engineer, and what have you. We can be pretty sure that they are going to do that project.

Chairman Kelsch: The way the language currently reads would any of these school districts be allowed to build a brand new facility?

Senator Layton Freborg: Only if it was approved by DPI.

Chairman Kelsch: Even with this language in there, they still would have to go through that approval process?

Senator Layton Freborg: Absolutely.

Chairman Kelsch: That is the same with the federal stimulus funds?

Senator Layton Freborg: It should be. There are several reasons to go through DPI for approval and not just to allow any and all schools out there to build a new facility. Someday they may not need that facility and that day may not be very far away. Just because they have the dollars isn't a reason to allow them to do it.

Chairman Kelsch: That is correct, and that is my point. I want to make sure that we also have it nail down that the approval process does apply to federal dollars.

Senator Tim Flakoll: I was just watching Mr. Jerry Coleman from the Department of Public Instruction, and he was nodding his head in agreement with Senator Freborg.

Chairman Kelsch: That is a technical amendment that does need to be drafted just to make sure even though it may be we may think it and others may think it, but not everyone may be thinking that same way.

Rep. Phillip Mueller: When we say obligated funds, what does that really mean? Can a school district say we are going to be obligated to pay our teachers into the future? Do you know what obligating funds mean?

Anita Thomas: It sounds like it is something for discussion but actually following an escrow concept. We legitimately set the funds aside for that purpose and then spend what is necessary over a period that we would be committed. I am sure there are ways that we could include language to take care of the concern that we have.

Rep. Phillip Mueller: I think we know what we are talking about, but we wanted to make very crystal clear in here that we are not obligating funds as meaning paying the fuel bill for the next ten years. That is different.

Chairman Kelsch: Section 33, the North Dakota Commission on Education Improvement. One of the discussion items we had is perhaps we need to have a process where names are submitted to Legislative Council, because I am just not sure how familiar Legislative Council

necessarily is with the superintendents in the state. I do have a bit of an issue with the nonvoting members, a representative of the nonpublic schools. I am guessing that is why the policy committee didn't put it in the first place on the Senate side.

Senator Tim Flakoll: Yes, I would ditto that. The work and the long-range objectives that the commission will be looking at this next time that they would have been better served if they would have added someone from a nonpublic college or university because those are the folks, again much like the business community and the North Dakota university system who is on the receiving end, and when we are looking at alignment and making sure they are work ready that they are college ready, that would have been a more appropriate person on there than the one that was added to it.

Rep. Phillip Mueller: Regarding this section, there was a fairly strongly worded memo that you all probably received from the Devils Lake folks that took issue with eliminating the business manager and the sunset. I don't know that I have a position on that other than to bring the issue to the table.

Senator Tim Flakoll: That business person on the commission is from that same school district. That may help reinforce their position on that. When you look at the history of the commission, one of the things that helped sharpen our focus in the first go around was that we really had our work cut out for us and in many respects that was almost like a dead wine that we had to have good work, ready to go for the session for the legislators to review at the end of that first commission's work because you can get more with a gun in its mouth than just a smile (a phrase that Senator Judy Lee uses). We thought we had a gun to our head that we had to produce results because we will not ever get another crack at that if we don't get it right the first time. Then it would go into other people's hands whether it would be judges or others. That was one of the reasons that really I think helped push us forward and gave us some of

the incentives to do it knowing that we may not ever have a chance to do that again. In theory I think everyone felt that this wouldn't be forever, and I don't think it should be. I think they have done nice work. I think the vote totals prove that out as far as what we have adopted. They often times they get a lot of the rough spots rubbed off. A vital benefit to that is all these school administrators and others that represent the various organizations that bring the ideas and suggestions back to the people they represent and get feedback from them, it has made for a better process. We have a combined 35 or 38 years of commission experience if the same people were put in place would be returning for the next go around. Dr. Sanstead has four years of experience on the commission.

The meeting was adjourned until 2:30 this afternoon.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 20, 2009

Recorder Job Number: 12005

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch: We will walk through some technical amendments. She handed out amendment 90379.0547 **(Attachment 1)**. This reconciles the academic and technical scholarship requirements. We know what the school must offer and what you need for your high school graduation and what it is that you need for the scholarships. A good example was on social studies where we know that we want to have the one U.S. history, one half U.S. government, and one half economics or one of problems of democracy. What this does is it just reconciles those sections of code so that we have everything that we had initially intended it to be. Anita, are these off of the hog house or are these off of the 500 version?

Anita Thomas: All the amendments will be done to the 500 version or Section 12 of the Senate bill.

Senator Tim Flakoll: These are required units for offerings?

Chairman Kelsch: These are the required units for offerings, yes. I may have misspoken. It is the required offerings.

Rep. Phillip Mueller: What exactly are we doing with this amendment? It isn't already in either Section 9 or Section 12? I see in one instance a sequence and includes literature, composition, and speech. I suspect sequence is very important to that.

Chairman Kelsch: Actually what you are doing is you are reconciling. I probably wasn't real clear about what I was saying. If you are looking at what the diploma requirements are, the required units, that would be in Section 13. Those are the requirements. If you look at what Section 9 does, these are the ones that the school needs to make available to each student. What we say when we get into your high school diploma requirements, then we say you have to have these four units of English from a sequence that includes literature, composition, and speech. If you are not going to have them as offerings, then how can you turn around and require them? It makes sense to have them listed in the offerings as well as in the requirements so that it is crystal clear to the school districts that these are requirements that students are going to have to take so you do need to have these in your offerings. You can have other things beyond that. You have to have at least this in your offerings so that it coincides with what we are saying as a requirement. We can lay these out. You can move them, or you can wait with them.

Rep. Phillip Mueller: We are requiring high school graduates to have those courses. What we weren't doing was not requiring the schools to offer them.

Chairman Kelsch: Right. That is the purpose behind it. If you are looking at the Century Code and you say okay, here is what you have to offer and then you go to here what is required. We don't quite match up. They say, generally speaking, the four units of English language arts. When you get over to what your requirements are to graduate, it is four units of English language arts from a sequence that includes literature, composition, and speech. I am school district A and I am just offering the four units of English language arts. Am I actually offering literature, composition, and speech? It just seems to make good sense that you would do that.

Senator Tim Flakoll: I am looking at the 800 version on page 9, Section 12. Two, three, four, and others would still remain untouched with your amendments. Those requirements would still be in place. As an example, North Dakota studies and the like would still be...

Chairman Kelsch: That would be correct. You would just renumber accordingly. You do not delete any of that. You had deleted Lines 14-31 and replaced them with this. I am looking at the 500 version and then starting at the top of page 9 starts 2, 3, 4, 5, 6, 7. All it does is it just says that first part of it.

Rep. John Wall: Is this a point where we have to talk about in the 500 version, Section 15, where things were deleted for personal finance and those pieces?

Chairman Kelsch: Probably not at this point. We will get into that later.

Senator Tim Flakoll: I move that we adopt the amendment 90379.0547 to engrossed HB 1400.

Senator Layton Freborg: Seconded the motion.

A voice vote was taken. Motion carries.

Chairman Kelsch: Amendment 90379.0549 was handed out **(Attachment 2)**. This is used to provide for non remedial math, reading, science, and social studies in grades 5-9. Grade 9 is covered in the high school language which is Subsection 2. This change would be a technical change saying that it would be grades 5-8. This is for the summer school courses and programs.

Rep. John Wall: It primarily replaces 9 with 8?

Chairman Kelsch: That's exactly what it does. Instead of having it say in any grade from 5-9, it would be 5-8 because grade 9 is covered in the section right below where it talks about high school summer courses.

Senator Tim Flakoll: I move the adoption of the amendments 90379.0549 to the engrossed HB 1400.

Rep. John Wall: Second.

Rep. Phillip Mueller: I have no issue with the amendment. My question has to do with when does this become effective? Do we have a section later on that says this starts the second year of the biennium? There is some concern for gearing up for what we are talking about here in the first year of the biennium.

Senator Tim Flakoll: I think this is more as what are reimbursable uses of summer school. This is about what can you get paid on.

Chairman Kelsch: That is correct. This is just setting out the reimbursement. Yes, there have been some discussions on what you are talking about and that should probably be a later topic of discussion.

A voice vote was taken. Motion carries.

Chairman Kelsch: Amendment 90379.0550 **(Attachment 3)** was handed out. The first one will be a topic where we can use this for a possible discussion. This one says that each public and nonpublic school student would be allowed to take the ACT, SAT, and the WorkKeys assessments and the student's school district of residence is responsible for that cost of one of the summative assessments. The school district superintendent or school administrator in the case of a nonpublic school would be able to exempt the student from the requirements of taking the test. Number 4 allows for the Department of Public Instruction to be able to—if the department can get a better rate by going to ACT or SAT or WorkKeys and saying if we do it as kind of a bulk test, can we get a better rate doing it that way—then this allows the superintendent to be able to do that so it would be a little bit less expensive than each school

district going out and contracting to do the test individually.

Senator Tim Flakoll: I am looking down. I retract my question.

Senator Ryan Taylor: Is there still a million dollars for the summative assessments and in your conversation do you think if they were to get some kind of volume discount that would affect that amount of money or is it just speculative that they would be able to get a better deal buying in bulk?

Chairman Kelsch: It is speculative at this point. You have to think that you would perhaps get a little bit of a better rate if the state is doing it. If it is coordinated at one level, perhaps you would get a better price. I don't know but it certainly is worth investigating.

Rep. Phillip Mueller: I would move amendments 90379.0550.

Senator Ryan Taylor: Second.

A voice vote was taken. Motion carries.

Chairman Kelsch: Amendment 90379.0555 **(Attachment 4)** was handed out. This amendment sets up an interim study that basically would take a look at the approval, the accreditation standards. We basically say you shall do this but is it an approval? Is it an accreditation? I think we need to take a look at that whole approval accreditation process and criteria. Has it gotten to a point where it is more of an approval, not an accreditation?

Anita Thomas: It was __ peripherally within the last 20 but very little came out of the study.

Chairman Kelsch: It may be one of those timely studies as we added some new items again this session. It may be something that would be worth looking at during the next interim. We don't have to vote on this today. We can use this one as consideration, but I do think that it is something that perhaps we should take a look at during the interim.

Amendment 90379.0556 **(Attachment 5)** was handed out. This deals with the GED diploma. Subsection 1—if a Mandan student takes the GED in Bismarck, the Mandan School District will

pick up the cost of the ACT, SAT, WorkKeys. When we laid out that a person that was getting their GED could take one of those summative tests, we didn't say who would be the responsible school district. If an individual has gotten their GED and living in that school district, they are probably paying some taxes in that school district and it makes sense that they are a member of that community and school district. It would be that school district's responsibility. Section 3 limits the section to students up to age 21. Age 21 puts it more in line with the standard age of responsibility for K-12 education. It seems as though if we want someone to take it, if they received their GED and want them to take the test past 21, I think they could probably figure out how to take it on their own, especially in the WorkKeys.

Senator Ryan Taylor: Do students who are taking the GED course still have access to a career advisor or guidance counselor?

Chairman Kelsch: I think in some of the adult learning centers they probably have access to someone that can help them.

Senator Tim Flakoll: What happens in the case where they may be in the Youth Correctional Center or other situations like that?

Chairman Kelsch: I think we changed that a couple of sessions ago where the home school district is responsible.

Anita Thomas: The law in the books says that DPI may not transfer any portion of the funds appropriated for state aid to the YCC to support the provision of educational services by the YCC. That must come under a separate appropriation.

Chairman Kelsch: Doesn't tuition follow them, though? They don't get anything.

Senator Tim Flakoll: I moved the amendment 90379.0556 to engrossed HB 1400.

Senator Layton Freborg: Second.

A voice vote was taken. Motion carries.

Senator Ryan Taylor: Amendment 90379.0562 **(Attachment 6)** was handed out. This updates the transportation grants as we talked about earlier. The money in 1013 was increased for school bus transportation. When we had the bill in the Senate, we were at $.86 on those large buses and that accounted for about $7 million additional hard money and now we are looking at $10 million. Roughly $2 million is about another nickel a mile on the large buses. What this does is looks at those $10 million that is now in 1013 and takes the large buses up to $.92. It adds a couple of pennies on the small buses to $.44 and a couple of cents on the student account. I move the amendment 90379.0562.

Rep. Phillip Mueller: Second.

Chairman Kelsch: Will those numbers have to be adjusted again if that $5 million that is in 1013 or will it just go out based on these numbers right here?

Senator Tim Flakoll: It would go out in your proportional share that your district would be receiving under this new formula. If you received 11% of all monies that are given out under this, then you would receive 11% of all monies of that $5 million with the trigger mechanism.

A roll call vote was taken. Motion carries. 6 Yeas, 0 Nays.

Senator Tim Flakoll: Amendment 90379.0564 **(Attachment 7)** was handed out. The only changes that you will find will be on page 2. We are looking at the at risk weighting factor. This weighting factor, and this only pertains to the next biennium and by that I mean the 2011-2013 biennium, and rather than having it kick in the second year of the biennium at a weighting factor of .05, it seemed appropriate to try to make it a little more seamless with the at risk situation that we started in year one of that. As such, we split it so that we have a weighting factor of .025. That way they are not walking off the cliff at such a rapid pace, because they will be getting a significant amount of federal dollars that would be targeted to these students/districts for comparable requirements and this would soften the transition as we go

forward. This is starting July 1, 2011. I would move the amendments 90379.0564 to engrossed HB 1400.

Senator Layton Freborg: Second.

Senator Ryan Taylor: Run those dates by me one more time from the 800 version to this amendment.

Senator Tim Flakoll: I think we are in Section 24 of the 800 version. Normally it would be starting the second year of that biennium with a weighting factor of .05. Rather than have that gap year we will call it, just kind of spread that weighting factor across year 1, year 2. Certainly we will have ample opportunity between now and the implementation of that to review that to see if that is what we wish to continue but that may give the schools a little more assurance that we won't be walking them off the cliff. Keep it mindful that if we do change in the other things in the previous section, I believe it would be Section 23, that we would have to make that corresponding change to this section because there are back to back sections with weighting factors in them and we would need to modify that if there are any changes to any of the other weighting factors as we look at the 09-11 biennium.

A voice vote was taken. Motion carries.

Senator Tim Flakoll: Amendment 90379.0565 **(Attachment 8)** was handed out. It is a one word change on page 1. This relates to the amount levied. Currently they can increase by up to 18% if they are below the threshold set forth in law. This changes it down to 12% increase in the levy. At some there will likely be a need to reconcile this bill with any mill levy reduction bills in terms of the mill levies assigned and referenced.

Rep. John Wall: What is the rationale from going from 18 to 12%?

Senator Tim Flakoll: It would probably soften it up a little bit if people didn't think that schools were going, and again it only applies to those that are below the cap, because the 18% seemed fairly aggressive in a given year.

Senator Ryan Taylor: Is this some kind of preemptive move in amount of fear to what 2199's critics might put forth? We are going to remove a little flexibility for the districts here.

Senator Tim Flakoll: People that maybe worried about some of the conditions that may be applied, but I know there are other conference committees that this would be a more tolerable solution or resolution or situation anyway.

Chairman Kelsch: It does not apply to a lot of school districts. It applies to those that are only below the cap. Raising your mills 18% in one year is a pretty sizeable increase. Even 12% is high. It seems to me to make a little bit of sense. We are saying we are not capping. We are just saying let us stay within our means and reduce it some.

Rep. Phillip Mueller: There have been instances where school districts for varying reasons have had to utilize their full capacity to run up the tax rate. Other than the concern brought up by Senator Taylor, what is the motivation here?

Senator Tim Flakoll: We want to continue to make sure things don't get out of hand. When you look at many of them, they will be up against the 110 mill level with many respects. Some may be as low as 100, but that would still kind of keep them in check. It sends a proper message too.

Senator Ryan Taylor: Most often they have had to exercise that 18% because of goals we put in front of them to show minimum effort of mill levies, and they weren't going to sacrifice all their state aid by not meeting that minimum mill levy effort. There are cases where they have gone 18% and still had been short. I don't know that I see a real driving need for this at this time. We could go down at this time realizing that there are some extra dollars coming into

school districts for stimulus and what not, but it is again going to be hard to raise when those dollars are going to dry up of course. It is hard for us to predict in the future what schools are going to need for flexibility within their world of entries, costs, or declining enrollment or what have you.

A roll call vote was taken. Motion carries. 4 Yeas, 2 Nays.

Chairman Kelsch: Amendment 90379.0561 **(Attachment 9)** was handed out. She wants them to ponder and think about this. I am probably more so what I would consider lukewarm to the thought of this, but there are some arguments in favor of removing the requirement to have a B average because of a discussion that we had during interims. We have had it I am sure in each of our education committees that a B is not a B is not a B across the boards. I don't know if it opens us up to potential lawsuits by having the B, and of course this is in order to get the scholarships.

The meeting was adjourned until Wednesday morning, April 22, 2009.

Bill No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 22, 2009

Recorder Job Number: 12101

Committee Clerk Signature

Minutes:

Chairman Kelsch opened the conference committee hearing on HB 1400.

Following members were present: Chairman Kelsch, Rep. Wall, Rep. Mueller, Senator Freborg, Senator Flakoll, Senator Taylor.

Rep. Wall: Presented proposed amendments 90379.0554. (Attachment #1). This amendment calls for a Legislative Council study on weather related school cancellations. The reason for it is because this winter we had many late starts; early dismissals, days cancelled. Many of the days were forgiven by the Governor. At the same time I think there were schools that started some days when there was no travel advised. I believe that we perhaps put children in a dangerous position on some of those days. I don't know what will come of this but I would like it studied. I certainly don't want a system that is abusing makeup days. At the same time I think we need to look at some latitude someplace that a study would provide that we could implement that would make the system work better. That is why I had this particular amendment drawn up.

Discussion:

Motion Made By Rep. Wall to move amendment 90379.0554.; Seconded By Senator Flakoll.

Voice vote carried.

Rep. Wall: Submitted proposed amendment 90379.0553. (Attachment #2). This amendment would put back into place something we did have in the House side in 1400 and it called for the required reading of historical documents in the US Government classes to insure that students had read the Declaration of Independence, The US Constitution and the Bill of Rights. This one also went into bill form that passed the Senate and House; has been signed by the Governor; except the section was repealed in this bill. So in this point in time it is no where even though it did make it through the Senate and House and signed by the Governor. Maybe Anita could give clarification on this. I think because it is not in 1400 it is dead.

Discussion:

Senator Flakoll: In lieu of reading the constitution couldn't they just spend one day on the floor?

Chairman Kelsch: That would not be a bad idea because we do have an in house constitutionalist.

Rep. Wall: Just for clarification, the bill that contains this language is HB 1435, which did pass both the House and Senate.

Senator Flakoll: that subsection from the bill as it has passed both chambers is all that sentence.

Rep. Wall: In the bill that passed the House and Senate, this was also included in the required courses so they are in that bill also, not just this portion. This portion is there word for word.

Senator Wall moved the amendment 90379.0533; Seconded By Rep. Mueller.

Discussion: None

Voice vote carries.

Rep. Wall: handed out one more amendment 90379.0566 (attachment #3). This deals with the teaching of personal finance in the high school curriculum. This was also found in the house version of 1400, but not the same language by any means. In the 500 version it called for offering personal finance. This amendment is more proscriptive. Under Section 15 1. Says each unit of high school mathematics must include at least five hundred minutes of instructional time in which fundamentals of personal finance are taught. It is says someplace in the math classes personnel finance must be taught for a 2 week segment or unit. It lists some of the things that would be included in the class. Number 2 if very important.

Rep. Mueller: Does this exclude others that might be able to address the same issue in terms of the teaching staff?

Rep. Wall: No it does not. In most schools probably twenty or thirty percent of the students would reach the curriculum that would offer this. That is problematic. Some students probably are going to get a double dose of balancing a checkbook; or credit card etc. In some school districts I don't believe there is anything in place that allows

them to get this education. Yes if other courses are there, can they substitute? It probably wouldn't be very workable.

Senator Taylor: I do like the idea you can do this with a regular teacher because that is a concern for some small schools is to layering on another requirement. In the language here I just want to be clear. Each unit of high school mathematics must include these 500 minutes. Then we have three units required to graduate; they are not going to get 500 minutes within each unit. If they can validate that they have had those two weeks somewhere they are not going to get it three different times.

Rep. Wall: that is correct. The intent that in one of the three required math classes they will get 500 minutes of instruction on personnel finance.

Senator Flakoll: I would like to hold off on any action; would the effective date be the upcoming biennium?

Rep. Wall: I do not know.

Chairman Kelsch: That would probably be preferable; just so that the schools could gear up for it to make sure they have the necessary information and textbooks that they would need.

We can hold off on this amendment. It is similar to what we had; however, it is more prescriptive so this is one we should think on and if we want to start the second biennium we have that language.

Rep Mueller: I think it is the right thing to do. I do have a concern regarding the duplication that may end up happening. I think it would make some sense to research a

way in which that would not be required; only that it be required to take the offer. I am concerned why we would want to do it twice or three times?

Rep. Wall: I don't see a way around making it a requirement in the math classes since Vo Ed classes unless we would institute one in every school and require it; I frankly don't know how else we could do it.

Rep. Mueller: That maybe true. If this goes into effect that those other places in which this might be offered will not offer them. That will become a school district by school district I suppose.

Chairman Kelsch: So your concern is if the school now offers a personnel finance course and if this is a requirement that they have to have the two weeks your concerned that they may drop that offering that they currently have of personnel finance?

Rep. Mueller: I think that is part of it. The other courses in different school districts that may have this issue covered in a different way put them in a bad place, at least for awhile.

Senator Flakoll: Does the center for Distant Education have available anything that would match up like this and if they don't would this be something that we should encourage them to provide so there is a template that schools could go off of in terms of their offerings so that we don't have people trying to slug and swim through this with a lot of variation early on in terms of what they preserve in being the important points here? Any thoughts on that?

Rep. Wall: I do know one career in technical center that does offer online a personal finance class so I believe the software is out there. I don't know how widespread it is or how many students are currently enrolled.

Senator Flakoll: Rep. Wall does the Center for Distance education was changed last session. Do you think that is something we should look at on encouraging them to have as one of their options?

Rep. Wall: Senator Flakoll, we would require students to take the two week course, if it is available and I think it is. How workable it would be in schools I don't know.

Senator Flakoll: Should we have something out there if we want to go in this direction?

Rep. Wall: I do believe that program exists.

Chairman Kelsch: Any further discussion regarding this proposal.

Senator Flakoll: This is another amendment 90379.0567 (attachment #4). The amendments essentially in section 29, Subsection 1 (a) 2, 3 & 4; we are looking at the members that are school administrators as it came to this committee those individuals were dominated by the chair of the legislative council. The amendments being offered would say that that person would make a selection from a list of three nominees submitted by the ND Council of Educational Leaders in all three circumstances for these so call small, medium and large school districts. As we move to page 2 we made one minor change b. 4 I would say this is a pretty small pool of possibilities here. Currently as it reads now there would be three. That in essence is the extent of those changes being proposed.

Chairman Kelsch: Would you like to amend your amendment first? So it should read one individual who is or has been the president of a private. The reason for that is with Sister Thomas retiring we are hoping maybe she will be available to do some of these things and stay involved we don't want to leave her out if she would be potentially in the mix.

Senator Flakoll moved that amendment on page 2 so it would read an individual who is or has been the president of a private; Seconded by Senator Freborg.

Rep. Wall: what other changes have been made other than that?

Senator Flakoll: This person would be a nonvoting member, but this would be the substitute for the non public school person if we were to adopt the full amendment.

Voice vote carried

Chairman Kelsh: We have the amended amendment before us.

Motion made to move the amendment 90379.0567 by Senator Flakoll; Seconded By Senator Freborg.

Senator Flakoll: As the bill came to this committee had added one individual from a non public school to that list of people that would be on the commission. This amendment would do three things including removing that person from the commission.

Chairman Kelsh: So what this amendment does is as the bill was amended in the Senate appropriations committee they added as a nonvoting member a non public school member. What this amendment is doing is changing how the chairman of Legislative Council would receive the names for superintendent nominations. That was a concern I had that perhaps the Chairman of Legislative Council may not know

superintendents and it makes perfect sense. We discussed who should be making these decisions and so it should be their organization and they know them the best and know who is willing to serve. The second change does come in where instead of a nonpublic school member is would be a private college so I think the rational is the next phase this commission will walk through is probably how we make that transition from K-12 to higher ed so I think that is going to be the charge going forward. It sunsets after that so if we can manage to do that seamless transition in the two years and get all that work narrowed down.

Rep Mueller: I think I would go back to our friends in the appropriations committee wanting a member of the non public schools to be represented here as a nonvoting member. I am not seeing why that would not be a good idea?

Senator Flakoll: I don't know if anyone came to the House Education Committee and made that request. No one made that request to the Senate Education Committee. I think one of the things we have to safe guard is getting a committee of such size that it becomes bulky and we can't make progress. This subsection reaffirms the important role of that seamless transition. We are trying to make the students more work and college ready. We are heavily weighted with K-12 members on there in terms of the professionals that are on that committee. That is why we felt it important to have the public schools on there. I don't know the enrollment numbers of those but it is significant in terms of ND students who go on to public institutions within the state.

Rep. Mueller: I don't disagree with Sen. Flakoll but all those small arguments apply to our nonpublic schools and high schools and it seems to me it makes sense and I

appreciate the concern of having to get the committee too big, but if my memory serves we have about 8,000 students in these non public schools across the state. A lot of them go off to these same colleges that we are speaking about and they have all the same kinds of staffing curriculum that our public schools do.

Senator Taylor: When we look at the bulk of the amendment that is one competent of it and what you had mentioned earlier which deals more with the council of educational leaders having the chance to nominate a list to the Chairman of Legislative Council, I think is a good move. I still don't approve of moving these away from the Governor to the Chairman of the Legislative Council. I think it is a political process to go from a Governor who campaigns across the state to place more power into one person's lap where they really serve 13,500 in their legislative district. This softens it quite a bit. I greatly support the idea that at least now they will at least have the council of educational leaders advising them on this. I will support the amendment as a whole.

Voice vote carried.

Senator Flakoll moved the amendment 90379.0555: Seconded by Rep. Wall.

Voice vote carried.

Hearing closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: 04/22/09

Recorder Job Number: 12118

Committee Clerk Signature Jeanette Cook

Minutes:

Chairman Kelsch called the conference committee on HB 1400 to order.

All members were present.

One-Year Mentoring Proposal handed out. **See attachment #1.**

Chairman Kelsch asked the committee to look at Section 38 the 800 version.

Senator Flackoll reviewed Section 38. This deals with the appropriation for the teacher support grant program. It is a new program with a lot of interest. It came to the Senate only covering first year teachers. There was discussion that in small districts there last new teacher may have been six years ago or ten years ago. They wondered what was in it for them. So, the policy committee felt that if there were no first year teachers to mentor, the district could be eligible for some kind of monetary equivalent for coaching for non-first year teachers. We also took out the provision that would pay the mentees. In the other portion we looked to limit the administrative expenses to not more than 5% of the appropriation.

Representative Mueller: Do we have any concept about the elimination of the stipends for the mentees? What impact might that have on those that probably should be involved in this process? Was that part of your discussion? The primary question would be what negative impact would not paying the mentees be in this training process.

Senator Flackoll: This is one of the amendments that went on unanimously. It seemed better to invest in those that need to go to the work to prepare and mentor. If we needed to stretch the dollars, that would be the most logical place to cut, so we wouldn't have to pay for the mentees.

Representative Meuler: I don't think that it passed out unanimously, did it?

Chairman Kelsch: No, it did not.

Senator Flackoll: As we move ahead, we may need some clarification, so that the DPI has more guidance in terms of if they do not have a first year teacher. We need to better define that.

Representative Wall: Do we have any breakdown of how many schools could not use the mentor, so, they become instruction coaches?

Senator Flackoll: We did not have that information. It may change modestly from year to year. I would believe that all of our schools with 800 and above would always have first year teachers. Probably lower than that too. It could be prorated out so that if there are X number of new teachers per district, then your district would be eligible for up to so much amount.

Representative Wall: The ESPB board, will this money go out based on per capita students? How will it get to school districts?

Senator Flackoll: I would like to defer to Jerry Coleman, DPI.

Jerry Coleman, DPI: Can you repeat the question?

Senator Flackoll: With respect to the teachers support grants, the $2.3 million, how would the money be sent out to the districts?

Jerry Coleman: I don't know that answer. We would have to go back to the commission report.

Chairman Kelsch: That is the way that it was set up originally, that it followed through ESPB. Is that still the way that it is? This section needs a little more work. Are you OK with the concept of it? Conceptually, we can agree on that one.

Chairman Kelsch: One other section that would be ok is the transportation grants because we did amend it to put it into the proper (inaudible). It has been agreed upon. Do we have amendments that we would like to discuss at this point?

Representative Mueller handed out the amendments. See attachment #2.

Representative Mueller: This amendment will change the make-up of the Commission on Education Improvement. The keys are 1a, 2, 3, and 4. The change comes in where we will have 1,000 students or more. In number three, we will have a superintendent from a school of fewer than 1,000. Section 4 addresses having a superintendent chosen by the Council of Education leaders and the Legislative Council of one non-public school superintendent. Those are the changes in the amendment.

Chairman Kelsch: Did you put them in as a voting member?

Representative Mueller: No, I believe they are all non-voting.

Chairman Kelsch: You have it in the section.

Representative Mueller: That was not the intent. That should have been in Section B. It should not be a voting member of the commission.

Chairman Kelsch: What is the reasoning for changing these amounts of students?

Representative Mueller: A split to identify a large and a small school. The split could be different than what it is there. It is up to the will of the committee. It gives a broad range.

Chairman Kelsch: This amendment would have the voting members, two superintendents of public schools one over 1,000 students and one under 1,000, one non-public school superintendent, as a voting member.

Representative Mueller: I will change that, since it was not my intent to have the non-public school superintendent as a voting member.

Chairman Kelsch: If you were to change this so that you moved that individual over to the non-voting members in subsection B, then would you still be making your changes in 2,3,and 4 as they are currently written?

Representative Mueller: The intention of the amendment was to the answer being yes, in deference to Senator Flakoll's concern about adding too many members to the committee. It really wouldn't be adding anyone to the committee; it would simply be replacing one of the three public superintendents.

Representative Wall: If you moved it to B, which would you delete under B, or would you simply add?

Representative Mueller: I would add.

Chairman Kelsch: So, you would delete a superintendent as a voting member and add a non-public school member as a non-voting member. The commission would be kept the same size, but one superintendent would be taken out?

Representative Mueller: That is correct, and I would hope that we wouldn't end up with tie votes.

Senator Flakoll: Per rule it takes eight votes to pass anything on the commission. So, you would need eight out of nine.

Representative Mueller: I would have this rewritten to follow the thought process that we just discussed.

Senator Flakoll: I won't be voting for this with the intent either way.

Chairman Kelsch: We can vote on the concept, and then you would know if it needs to be redrafted.

Representative Mueller: That would be fine. I would move the concept of .0571.

Senator Taylor seconded the motion.

Senator Taylor: You are going to remove one superintendent in a school with less than 250 students which is a unique voice.

THE RECORDING WAS DISCONTINUED AT THIS POINT. (27:09- 28:34)

A roll call vote was taken. Aye 1 Nay 5 Absent 0

The motion failed.

Attachment #3 was handed out. (90379.0570)

Senator Flakoll: The bill as it stands had some timing issues with respect to the scholarship requirements started in the second year of the upcoming biennium. Also starting the second year of the biennium was the provision that those that qualify can go to college and receive a scholarship. That is the problem. The qualifying mechanism starts at the same time as the scholarship mechanism, so I don't know if there is something that you can fall back on to say that I am qualified for this because that won't occur until year two of the biennium (as the bill came to us). I brought forward the 570 amendments which do three things:

- It uses the language to start the scholarship, so that people who graduate in the second year of the biennium can use that as criteria in the fall of 2011. That is section 11 and 12. So, we would be looking at those students that graduate in the spring of 2011 would have all the requirements that both chambers approved previously for enrollment of the fall of 2011.
- On page two there is one change is Section 13 under subsection 1. This will align this language with the language that is found in HB 1013 the DPI budget. As it came to us it said a grade point average of 2.75. The change is for inserting the word "cumulative" GPA of 2.75.

- Section 14 has new language. We need a transitional language so that students can be eligible to get scholarships for enrollment of fall 2011. We have language so if they meet those various requirements under ACT, SAT, and the Work Keys, they would be eligible for that scholarship for the second year of the biennium. To provide greater clarity, in subsection 3 which is new language, it confirms that a student is not eligible for both scholarships. You can't get $12,000 here. You can academically do both, but can only get one scholarship money.

Does everyone need time to read through these amendments to make sure that it is what we hoped for?

Representative Mueller: Under the original version of the bill when would the scholarships started?

Senator Flakoll: They would have started the second year of the biennium. Starting with the 11/13 biennium, it would all be swept into effect.

Chairman Kelsch: Are there any questions? Are we comfortable with the amendments?

Senator Flakoll moved the amendments titled 90379.0570 to engrossed bill 1400.

Representative Wall seconded the motion.

Senator Taylor: Will these changes on the timing change the fiscal?

Chairman Kelsch: No, because the appropriation is there for the scholarships, so it wouldn't change.

A voice vote was taken. The motion carried.

Chairman Kelsch: Committee members, we do need to look at the language in Section 40. **Senator Flakoll** is working on this section. The flow of this section doesn't seem to make complete sense to me the way that we are distributing the money. I has to reflect how the process is actually done. Make sure that we have the language tightened up regarding the

federal stimulus monies. In Section 32 Anita talked about setting up an escrow account with obligated/unobligated? That is another section that needs to be worked on. Anita, are you working on any amendments for that?

Anita: I have not had any specific instructions to do that.

Chairman Kelsch adjourned the meeting.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 24, 2009

Recorder Job Number: 12200

Committee Clerk Signature R. Mae Fuchs

Minutes:

Chairman Kelsch is waiting for some amendments.

Chairman Kelsch: I raised an issue with Jerry Coleman, School Finance, regarding the ending fund balance offset. Jerry provided me with a memo. **(Attachment #1)** I think that was our intent when we passed that legislation during the last session.

Representative Wall: Presented amendment 90379.0574 **(Attachment #2)**

This is the amendment we discussed earlier dealing with incorporating personal finance into the curriculum. There are major changes. The first one is in #1 Concepts of Personal Finance. This change was made under the advisement of one retired school superintendent who made several calls. It is going to include the personal finance piece in either economics or problems of democracy. The rationale, it would be easier to reach the majority of students. In math classes meeting AYP is a bigger problem. It would not take minutes away from that. Another major change: the minutes of class time dedicated to personal finance has been deleted. We are not restricting or telling exactly how many minutes must be taught but we would expect A through H to be covered. Another major change: in number 2, this would allow a school district to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance as listed in this section. If the school found that a social studies class that was generally offered in the sophomore level

would be the way to expose personal finance curriculum to the majority of students that is where it should go. It would allow the schools to choose the class.

Number 3: the requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated. So if it goes into a business class, that teacher would be qualified to teach these concepts. I tried to work on an opt-out clause. I don't have one. There might be some repetition. If a student is exposed to this curriculum or portions of it, like a VoAg class, they may have to have seat time where the concepts are repeated. I would hope with a different teacher there would be something learned.

Senator Taylor: I like the idea that this would go into a course where there isn't AYP issues. Maybe it is appropriate to have a course on budget and finance included in Problems of Democracy because it may well be a problem of democracy.

Senator Flakoll: In looking at the .0574 amendment, is there any requirement that every student has this?

Representative Wall: The intent of the bill is that all students would be required somewhere in the curriculum to take this.

Senator Flakoll: Would this be under provisions to opt-out for those IEP students?

Representative Wall: For those students, I would expect the administration would include that someplace in their curriculum.

Representative Mueller: One part of Section 2 you did not talk about. Can you explain the last half of subsection 2?

Representative Wall: It is permissive language and it is giving the administration that latitude if they see there is another course where they can reach more students rather than those suggested, it would allow them to do so.

Representative Wall: Moves amendment .0574 to HB 1400.

Representative Mueller: Seconded.

Senator Taylor: I think this is a reasonable compromise.

Voice Vote taken. Motion carries.

Discussion was held on getting amendments prepared for Section 32.

Senator Flakoll: I often miss reading education standards and practices board because it isn't capitalized in code which it shouldn't be.

Representative Kelsch: Anita will be working on an amendment for this.

Senator Flakoll: An email from Mr. Joe Morsett (sp?) who said it would be a cleaner flow if the money would go to the Dept. of Public Instruction and then go to the education standards and practices board from there. There was concern expressed by smaller schools that say they don't have a first-year teacher and haven't had one for 6 years or 10 years. Section 38 as it came to us was focused on first-year teachers and mentors. We felt that the absence of a first-year teacher that the district could access some funds to do some coaching with their nonfirst-year teachers. We changed it so that in the absence of a first-year teacher they could apply for money to help with coaching for nonfirst-year teachers. We also took out the stipends for the mentees. The person being assisted is not paid additional money. We also limited administrative expenses to not more than 5% of the appropriated funds.

Representative Mueller: I'm going back to the HB1013 handout that Senator Flakoll just referenced. This was prepared before the amendment in the .0800 version. Would that be correct?

Senator Flakoll: Correct. Whether it is prepared before or after it does not reflect the changes in the .0800 version.

Representative Kelsch: Other than a technical amendment are we in agreement with that section? We'll take that off the table.

Representative Kelsch: For Section 40, do you have some clean up language for that?

Senator Flakoll: Yes.

Representative Kelsch: Does that include the whole Section 40 or only on p. 34?

Senator Flakoll: The amendments would address your concern on page 35 also.

Representative Mueller: Going back to the ending fund balances for schools, basically oil impacted school districts, are there other circumstances that could force school districts to be over the ending balance issue?

Jerry Coleman, DPI: There has been some concern about federal stimulus dollars. For the money that is going through the Dept. of Public Instruction, that will go out on a reimbursement basis so that should be a nonissue. They will have to have spent that money before we can send that out to them. There is some federal money through the impact aid system. I don't know how they will distribute that money.

Representative Mueller: How does that work if districts try to do plant improvement types of things which is high dollar and have to borrow large amounts?

Jerry Coleman: They can draw it down 30 days with expenditures. They would draw it down from us as they would need it.

Representative Kelsch: So the basic language we have in 1400, we'll try to build off of that so we give them more time to spend the windfalls they've recently received. Do you have advice as to anything else we need to have in there?

Jerry Coleman: There is an amendment in here for Selfridge school district. The reason they got into their situation was because of some federal impact aid money they got near the end of

the school year that threw them over. That is something we could address. An alternative would be, not higher than a 3-year average.

Senator Flakoll: There have been some discussions about with respect to the equity threshold and looking across different systems, K-12 and higher education, so there are some discussions about holding those dollars even. If we want to have cost savings in respect to that, so we can loosen them up for higher education for their equity.

Chairman Kelsch: Adjourn until 2:30 p.m.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 24, 2009

Recorder Job Number: 12222

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch handed out amendment 90379.0563 **(Attachment 1)**.

Rep. John Wall: I would move amendment .0563 to engrossed HB 1400.

Rep. Phillip Mueller: Second.

Senator Tim Flakoll: Good for the kiddies.

A voice vote was taken. Motion carries.

Senator Tim Flakoll: I move the amendment 90379.0573 to engrossed HB 1400.

(Attachment 2)

Senator Layton Freborg: Second.

Senator Tim Flakoll: The amendments do a couple of things in terms of clarity to Section 44 with respect to new money providing greater definition. Under Section 44, Subsection 1, we have added some money in there through the formula for counselors and career advisors. Rather than try to pull them out into a separate category with respect to the 70% language and setting it up in a new section, we just included it in a part of that. Subsection 2, the language under A, 1-6, those things that are excluded from the 70% language would include equity payments, payments for school districts for REA under Section 21, grants for districts for reorganization planning under Section 46, grants to REA under Section 47, and baseline recalculation grants under Section 48 of this act. Subsection A6 says $4.58 per weighted

student unit. That amount is what we set aside with the million dollars for those assessments. That was the best way that it could be done in terms of drafting those amendments to say that amount because it is run through the formula. Page 2, Subsection 3, states for purposes of this section money that is available for the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money.

Rep. Phillip Mueller: Subsection A6, why would we not have just been able to identify our assessment tests as opposed to putting a dollar amount in there which certainly would be a moving target?

Senator Tim Flakoll: I don't know that we could pull that out any other way.

Chairman Kelsch: Even though we know it is a $1 million that we put aside for the assessment, how do the school districts write out other than having a descriptive amount in there?

Rep. Phillip Mueller: We don't know what per assessment cost is necessarily going to be. We know what we are allocating for the assessments in total. This is the only way to do that?

Senator Tim Flakoll: Essentially, yes. We know what that amount would be that we assigned to that based upon the test cost. On the student aid line, some of the things are not included in here because they are not part of the student aid line. Transportation is not counted as part of a student aid line. The mill levy reduction payments, as would be found in SB 2199 should it be passed with the $295 million in it, would not be part of the student aid line. The deferred maintenance grants, the two trigger mechanisms whether it would be for deferred maintenance and/or the trigger mechanisms for transportation, would not be part of the student aid line.

A voice vote was taken. Motion carries.

Senator Tim Flakoll gave the clerk for the permanent record for HB 1400. **(Attachment 3).** This is the application for health care coverage. He also handed out amendment 90379.0575

(Attachment 4). Section 11, 1A, states completes one unit of algebra II as defined by the superintendent of Public Instruction. Section 11, Subsection 3 states obtains a cumulative grade point of at least a B as determined by the superintendent of Public Instruction.

Rep. Phillip Mueller: Might there be a bit more explanation of that?

Senator Tim Flakoll: They just want to make sure that everyone understands the reporting mechanisms so that essentially DPI says a B is a B.

Rep. Phillip Mueller: Do we know the department has the wherewithal to do that in terms of the knowledge that it is a number grade or a letter grade?

Senator Tim Flakoll: If they can't, I am not sure who can.

Senator Ryan Taylor: Are there a number of schools who aren't on a 4 point system for grade point averages? It seems a little __ to have DPI making that call.

Chairman Kelsch: Weren't these concerns that were raised by Mike Hillman of the North Dakota University System? He is not here. Mike raised those because of admission requirements.

Senator Tim Flakoll: These are going to be the requirements to be deemed eligible for the scholarships. As an example, if a student is taking 24 units, two of those units would be like a pass-fail type class. Many people believe that if you have taken 24 credits, two of those don't count, they don't have an A, B, or C assigned to them, that you should base their cumulative grade point average on those remaining 22 credits.

Rep. John Wall: Choir, band, things like that probably would not have the grade applied. Phy. ed. probably would have a grade applied. Would the Department of Public Instruction determine which graded classes would become part of the cumulative record?

Senator Tim Flakoll: I don't believe so. The only time we have anything close to that is that they have had to earn a C for all those required for the diploma.

Senator Ryan Taylor: If you had a C in each of those required units and you scored a 24 on your ACT, it may be not even necessary to have a B average requirement in there.

Rep. Phillip Mueller: Were there discussions with the department about their role on this end or wherewithal to make those determinations about the B or 3?

Senator Tim Flakoll: That might depend upon if we can have our longitudinal data or not. No, there hasn't been extensive discussion on that.

Chairman Kelsch: If power school could be added back into the ITV budget and be part of it, that would certainly help to get the data that we keep continually asking for.

Rep. Phillip Mueller: There has been some movement in that area.

Chairman Kelsch: I understand.

Senator Tim Flakoll: Section 13, the Board of Higher Education will be working with DPI. This is a certification process with respect to being eligible for scholarships. This isn't something the school district awards. They provide the information to DPI and they certify that they have achieved those benchmarks. That would be found in 13.1, 14.1 and 2.

Chairman Kelsch: Is it clear in here that a student has to be enrolled at a North Dakota campus?

Senator Tim Flakoll: If you continue to read at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75. In addition to the certification language the only real change of substance in that would be the cumulative language that we pulled across from SB 2003, the higher ed. budget.

Chairman Kelsch: Which is this engrossment on? This was on the 500 version. Page 11, remove Lines 6-31. Then you would start in with your new Section 11, a new Section 12, 13, and 14. On page 12 you are removing Lines 1-31. On page 13 you are removing Lines 1-9.

Page 23, Line 17, replace 16 with 17. On Line 20, 16 with 17. Page 40, Line 11, replace 50 with 51. That becomes the emergency clause section. It looks like it reconciled.

Senator Tim Flakoll: I move the amendments 90379.0575 to engrossed HB 1400.

Senator Layton Freborg: Second.

A voice vote was taken. Motion carries.

Chairman Kelsch: We have some amendments being drafted. We have about five outstanding amendments.

There was some discussion with Anita Thomas about the drafting of amendments and meeting the next day. It was decided to meet on Monday.

Senator Tim Flakoll gave the clerk **Attachment 5** to be part of the 1400 record.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: 4/27/09

Recorder Job Number: 12288

Committee Clerk Signature D Penrose

Minutes:

Ch. Kelsch: Call to order conference committee on HB 1400.

Attendance: All present.

Ch. Kelsch: I think we are getting down to a final product. I would like Jerry Coleman, from Department of Public Instruction, to come to the podium. Mr. Coleman sent me an email regarding SB 2244, the Farm Widowers Exemption. In the House, an amendment was attached reducing the capitalized average gross return rate over a three year period. This will increase property valuation for agricultural property, but a significant tax shift was not expected when considered along with residential and commercial property increases. If the increases are relatively uniform, this should not significantly impact the equity payments in the formula. However, it looks like there will be an impact the second year of the biennium and that the property tax relief grants will cost the state an additional $4.75 million. So if you can respond to that.

Jerry Coleman, Dept. of Public Instruction: The capitalization rate for Ag. property was changed, and as I understand it from the Tax Dept. that will generally increase property valuations across the state. So in just trying to gauge the impact that might have on our school funding, if statewide those increases are just uniform for all districts and that just raises the

state average, but individual school districts average those rates, so in terms of equity formula, at least from what we know, it shouldn't have a major impact there. This change will impact the second year for the property tax relief grants. If you raise property valuations, it will take more funding for the property tax relief grants. Just based on some information I received from the Tax Dept. that's where the $4.75 million came from. In speaking with them this morning, they don't know any more than anybody else does. It's just an educated guess. Those increases might go between 6-8% in property valuations. In what I was using in my estimates was the 6%; so there we had $295 million identified as covering those mill levy reduction grants. So that will lead to a potential short of that $295 million, but we always have a potential of being short or long.

Rep. Mueller: When those calculations were done, did it take into consideration the graduated increase, I think it's 3/10th of a percent. Did you go all the way to the cap rate or did you space it out over the four years, at 3/10th of a percent.

Mr. Coleman: I got the data from the Tax Dept. and they went in and identified what they thought the increases would be in that second year for the four counties, and I just took that and pushed that out to the state as a whole. It's a very rough calculation. So out of the $295 million out there, we could be short $5 million by whatever estimates we have here. I provided that information at the request of the Tax Dept. and only to Rep. Belter.

Ch. Kelsch: Is there anything that we need to do to prepare for this, or we just let it go, and it just happens once in a while.

Mr. Coleman: I wasn't in on those discussions but I heard secondhand that that Committee was aware of this and that if it became a reality, they would deal with it in a deficiency. I didn't get that firsthand from anybody.

Ch. Kelsch: I believe that was what was stated on the House floor as well (attachment 1). Thank you, Jerry. The amendment you have before you deals with a technical point that OMB had brought up to this conference committee in the language as to how we were distributing the teachers' support system program and how we were distributing that funding. (Attachment 2) The way that the bill had originally read, we were appropriating the money to the ESPB, and OMB said that because they are not an agency, that's not the way that it flows through properly; so they needed to make the change so that it says that "that sum of money would be distributed to the superintendent of Public Instruction for the purpose of providing a grant to ESPB, so it was basically a technical point that OMB caught. I would ask for a motion.

Rep. Wall: I move amendment .0579 to Engrossed HB 1400.

Sen. Taylor: Second.

Ch. Kelsch: Further discussion.

Sen. Flakoll: Just to make sure, this would not pay the mentees then would it, if we continue that as the .0800.

Ch. Kelsch: Senator, this is off of the .0500 version, correct. It amends the .0500 version.

Sen. Flakoll: Right, but the intent of the amendment is not to pay the 1st year mentees.

Ch. Kelsch: Correct, it stays the same as the Senate had it.

Rep. Mueller: In the original language in the .0500 version, the House is very prescriptive in regard to talking about the mentorship program in both the .0800 version and the amendment. We really just say, for the purposes of providing grants for teacher support systems. Is that an issue at all, is that a concern. There are a lot of teacher support systems out there. We do have some language above that which should make it fairly clear, but we were a bit more prescriptive in what we did in the original version of the bill on the House side, then what the

Senate did and what the amendment does as to how the $2.3 million is going to be utilized. I just bring that up as a potential point.

Ch. Kelsch: If you will go to section 38 in the .0800 version, last week we approved that section and said that we were okay with the language that was in there, and if you will read, it says that they may use the monies provided under this section for staff compensation, training, evaluation stipends, for mentors and experienced teachers who assist first and non-first years participating in the program and any other administrative expenses resulting from the program provided, however, the board may not extend 5% for the funds appropriated this section for administrative expenses. Then subsection 3, that section was put in to address the REA's can now hire employees, but the monies that we are putting in are to provide these for teachers employed by school districts and not those employed by REA's. Otherwise the language is the same as the Senate sent it over to us.

Sen. Flakoll: The one thing the amendment is silent on, with just checking around, but it would be the same as it came over to this committee, would be the unexpended interest. If we don't specify where that would go, if it weren't fully used, would go to the General Fund, is that the intent of this committee, or do we want to specify that it would be rolled into the principle.

Ch. Kelsch: Senator, which part are you talking about?

Sen. Flakoll: On the section 42, the $500,000 for National Teachers Certification.

Ch. Kelsch: There was never any language in the bill as it came over from the Senate that dealt with that issue.

Sen. Flakoll: Not on how you handle the unexpended dollars, if we wish to do that, we may wish to further amend to that effect.

Ch. Kelsch: So it continues to stay in that fund.

Sen. Flakoll: Correct.

Ch. Kelsch: I think that's what the intent is. That's what happens when you set up an endowment. Isn't that for the endowment?

Sen. Flakoll: I checked with Anita Thomas, of Legislative Council, she believes if it is silent on it, that it would go to the general fund.

Ch. Kelsch: Then perhaps we need to make sure that there is an amendment.

Sen. Flakoll: Would you want that drafted separately.

Ch. Kelsch: I think you can probably move that as an amendment to .0579 and that language would be drafted.

Sen. Flakoll: Do you want that language; I would essentially move that we further amend to have the unexpended interest from the National Teachers Certification Endowment Fund be rolled back into that Fund as principle.

Rep. Wall: Second.

Sen. Taylor: I think that this is just the appropriation for the related section on the fund, which as you said is an endowment. If you look back on section 10, on the .0800 version, it does say in there that the fund is created and all interest and income received on investments are appropriated on a continuing basis to ESPB for the purpose of awarding grants. I think we are covered in section 10.

Ch. Kelsch: Motion and second withdrawn for that motion. We have .0579 before us, not amended. Further discussion. Voice vote, motion carried. The meat of this amendment (attachment 3), section 31 is current law, page 2, #5, it says, this section is applicable to any construction, purchase, repair, improvement, renovation, or modernization even if the school board pays for the project in whole or in part with monies received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 USC 701 (c)3 or in accordance with monies received under the American

Recovery and Reinvestment Act of 2009. Basically this is the reaffirmation that in order for those monies to be expended they must go through the normal processes that are currently set up in state law. I have had several legislators ask me to make sure that this section is included in the bill. This is current law; it just applies to those funds as well.

Sen. Flakoll: When it uses the word purchase, it would be of a physical site, not any kind of purchases.

Ch. Kelsch: No, that is correct.

Sen. Flakoll: Building or land, whatever.

Ch. Kelsch: That's if they wanted to purchase land or a building. It does say that in 1 and then it would apply, just reiterates that this would apply to those monies.

Rep. Mueller: If I understand what this does, the question is if this would have an impact on the ending fund balance issue.

Ch. Kelsch: No, that is a separate amendment that I will be offering soon. We are working to get Anita up to 100. This is 81. I would be open to a motion on the amendment.

Rep. Mueller: I so move.

Rep. Wall: Second.

Sen. Flakoll: Can they use any of this money to pay off any pre-existing obligations.

Ch. Kelsch: That I don't know. I believe that the flood control monies can be used to pay off existing debt.

Sen. Flakoll: That would probably be important to find out if it could be used; if the federal stimulus dollars could be used to pay off existing debt on building, remodel or whatever that has already incurred, or tornado.

Doug Johnson, NDCEL: I believe under the stimulus act with the stabilization dollars, those dollars can be used under Title 8, which can be used for any expenditure made by a local

education agency (LEA). Yes, they could be. That's how I interpret it from what I've seen from the guidelines.

Sen. Flakoll: I just wanted to make sure that we knew.

Ch. Kelsch: Further discussion on the amendment. Voice vote. Motion carried. This is the amendment that deals with the ending fund balance and it is somewhat similar to what was in the .0800 version that came over to us from the Senate. The difference is that we are giving the school districts 15 months in order to expend, obligate their monies and in talking to Mr. Coleman, from the Dept. of Public Instruction, he stated that 15 months probably was adequate; because they would have to get an extension on the 90 days. Does it go fully to the 15 months or not?

Mr. Coleman, DPI: As I understand how this works, for this current fiscal year data, we would not include that in the calculation of the ending fund balance. That would be done next year. So that is the one year exclusion that that would leave. Basically they have the remainder of this fiscal year and next fiscal year to expend those funds, to not have it considered at all in the excess fund balance calculation. So that will come out to 15 months.

Sen. Freborg: I am just wondering at what point those funds become obligated. We discussed the other day about having an architect doing some drafting and planning. In here, it says on obligated funds. I'm not sure that they would be obligated until they contracted for whatever the project may be.

Anita Thomas, LC: When it comes to things like unobligated funds, they did not teach us that at law school so I spoke with some of our fiscal people. They explained that there are standard operating procedures, in terms of what governs obligated and unobligated funds within the CPA world. They also indicated that they worked by fairly broad definitions in terms of what constitutes an obligated or unobligated fund, and that if you wanted to have something

very narrow, it would be appropriate to put it in the statute. Part of what we got into was a discussion about contracts, for instance. If a school board would contract for a particular construction, most of the construction contracts would have a penalty if you chose not to pursue it. So if you are looking at $1 million and $100,000 penalty, it might be worth even incurring the penalty. There is opportunity for gamesmanship unless you chose to make it very, very strict and narrow. That is a discussion that hasn't happened with respect to this section.

Ch. Kelsch: I made it general partly because we need to make sure that we have some language in there and it's whether or not you want to leave it general or if you want to make it more specific, then more work needs to be done in this section.

Sen. Taylor: Does this match up with the language that's in the stimulus package in terms of their guidelines; and how soon they need to spend the money. If we're looking at 15 months following June 30, 2009, we are looking at September 1, 2010 or thereabout, and I thought the stimulus allowed them to expend that money until 2011. I guess I would lean more towards matching our language up with the stimulus and if there are a few more months available I would grant that same to our districts.

Jerry Coleman: I don't think I can recite that, but I think there is some kind of language there. Generally, obligated means that the liability has been incurred. Under generally acceptable accounting principles' definition, usually that's when your goods and services have been received, so that your debts and transactions actually haven't had to have been incurred. Either you're in a contract and it's irrevocable; that type of thing. But you've actually taken possession of the goods and services. That would be the definition of whether the expenditure had been made and under an accounting definition, it would probably be pretty narrow on what

happened there. It probably would be a good idea to write out just what we expected here in state statute in terms of what was obligated.

Sen. Taylor: More on the stimulus date vs. what date we put in statute. Does the stimulus language talk about obligation or does it talk about expenditure made. So maybe there is some room between those two, which is what we are trying to clarify.

Mr. Coleman: They do talk about obligated, so you can use those funds up to September 30, 2011, and they talk about terms of obligated, not vs. expenditure. It's a matter of taking a look to see how they worded theirs. I will ask them questions about that.

Sen. Taylor: If stimulus says September 30, 2011, we are realistically looking at September 30 or September 1 of 2010. So we are asking our school districts to spend this or obligate it a year earlier than federal requirements. Is that what I understand?

Mr. Coleman: Yes, in that regard, as I understand this, it would be more restrictive than what you're talking about. We're allowing just a one year forgiveness in terms of looking at it for the excess fund balance calculation.

Sen. Freborg: Some things aren't quite so black and white. What if, for instance, a school ordered 100 computers and the order was in, but the computers weren't received yet, and the bill was not received yet. Is that an obligation?

Mr. Coleman: I don't have a definitive answer for that. I can try and find out. The auditor's office would be able to make that decision. I would feel more comfortable to find out and report back to you.

Ch. Kelsch: It's obvious that need more work on this amendment. I recommend that Jerry confer with some of the committee members to get some answers to your questions before we complete this section. I think we have a start on this section, but it needs to be a little neater

and probably more prescriptive. Sen. Freborg, if you have some concerns, you should probably voice them to Anita as she's drafting it through Jerry. That will need to be redrafted.

Sen. Flakoll: I'm not catching it; you referenced the 15 month language. As the bill came to the committee, it was for June 30, 2011, in that section; I'm not sure how that changes the bill.

Jerry Coleman: There is no reference directly to 15 months. That's just effectively what they've got. Our excess fund balance offset is calculated on an annual basis so it looks back one year, and takes that data and makes the calculation. This calculation would be done based on this current 08-09 school year for the next school year, and that is what the language does here. Effectively it's 15 months. They have from now until the end of 09-10 to make those expenditures.

Ch. Kelsch: So what you're saying, it says that it will look back to the ending fund balance in 08 and not take into consideration the ending fund balance at 09, of which they received the monies. It's giving them the 15 months in essence, the clock starting last Friday, because we already have the monies, it gives them that time before they go back and look at what those ending fund balances were.

Sen. Flakoll: When we look at the .0800 version, would this remove section 51 in essence; because that was kind of the expiration date or some of this language, or is that still in there.

Anita Thomas: I got a note on the file that we need to be certain about what that expiration means.

Ch. Kelsch: We have a day or two to get that information. Further input to the potential for this amendment. I think we kind of know which way we should go.

Sen. Taylor: I would lean towards an expiration date that would give them the full amount of time that is available under the REAs and if that means sliding it to 2011, if it matches the

federal language I'm willing to give two construction seasons vs. one season to get the projects done without hurting their balances.

Ch. Kelsch: Part of it depends on what our definition is of obligated. If we're going to put a definition of obligated in there, because if those funds are obligated, they have that time to spend it already. It's a matter of what we're doing here is, what is our policy going to be on that ending fund balance and how long are we going to let them carry an excessive ending fund balance without the obligation of the funds. I think that's what we need to consider. What is our definition of obligated going to mean and then they would have that period of time, because unless we otherwise state, the federal law would tell them how long they have to spend the monies. However, we also have to remember that there is a different time frame for the flood monies. There are two separate issues in here. The flood control monies had initially a 90 day period of time, they received an extension, is that correct, we filed for an extension for that 90 days for the flood control monies, did you tell me that.

Mr. Coleman: No, there are no restrictions on flood monies. We're just trying to address that impact of that funding in terms of their excessive fund balances, so that they don't....

Ch. Kelsch: Why was it then in the newspaper, the superintendents and I've been receiving phone calls from those superintendents telling me that they had 90 days to expend that money.

Mr. Coleman: Absent anything that happens in an amendment here, that would be case. If they didn't spend it by the end of this school year, that will be included in the calculation for next year and they would effectively see a reduction. Like in the case of New Town, which will get $6 million. That will effectively wipe out their state aid payment of $3 million.

Ch. Kelsch: So that's why we need to make sure that we give them some time, but again it goes back to the definition of obligated and unobligated. So we'll hang on to this, it's

conceptual at this point. (Attachment 5). Anita Thomas, please explain amendment, .0582. Committee members, someone had asked the question about whether or not the state can use the Government Services Fund Allocation for paying down past debt, and the answer is no. It is for the modernization, renovation, or repair. It cannot be used to buy down debt.

Sen. Taylor: What is the citation, it's important.

Rep. Kelsch: What is the citation?

Bob Marthaller: This is under the guidelines of the State Fiscal Stabilization Fund Program; Section 4-7.

Anita Thomas, LC: This amendment uses the phrase, "beginning after the conclusion of the 2009/2010 school year" in four places, c, d, e, f. This was an amendment that was requested by DPI. Currently they provide remedial math and remedial reading to children in Kindergarten through 8th grade. This amendment looks like it will kick in July 1, 2009 and they were not certain that they would have their approval process up in time to provide the non-remedial math, reading, science, and social studies for children this summer; at the conclusion of this school year. For those particular subjects, they would be effective at the conclusion of the next school year. I would ask for a motion on the amendment.

Rep. Wall: I move the amendment.

Sen. Taylor: Second.

Rep. Mueller: If I'm understanding correctly, it is the remedial math that changes, that are going to occur in summer school, that are going to become effective in the second year vs. all parts of summer school.

Ch. Kelsch: It's the other way around.

Anita Thomas: The remedial part will remain as it is right now. You have extended that non-remedial portion and DPI did not believe that it could approve those courses for this coming summer.

Rep. Mueller: All remedial courses that have not previously been part of summer school will be kicking in that second year.

Anita Thomas: Whatever is on this list, yes.

Ch. Kelsch: Voice vote, motion carried. I am handing out amendment .0585 (attachment 6). You've seen this section before. The only difference is subsection 6, and this section deals with the 70% language. Because we don't know how this will work, nor do we think it applies, we've always considered that the 70% applied to school districts. We may have to look at how does that apply to REAs during the Interim. At this point, the REAs are excluded from providing the 70%; that's what subsection 6 does. Part of that is, because we have excluded the REAs monies because it goes directly to the REAs. Because all of this is new, we have to determine, probably during the interim, how we're going to apply this. At this point, it seems a little too complicated to apply this 70% to the REAs, nor do we even think it is applicable by the time the next biennium hits.

Rep. Wall: Would this also apply then to Career and Vocational Centers, this language.

Anita Thomas: The very last sentence refers to any entity other than the board of a school district; so yes it would include the specialized units.

Ch. Kelsch: Is that currently how it is done.

Anita Thomas: It is silent right now.

Ch. Kelsch: It was my intent to exclude the REAs. I don't know if it is currently being done, the 70% for the CTE Centers. Do you know, Jerry.

Jerry Coleman: I'm not sure if I have the answer to this. The dollars we're talking about for the 70% language refer to state school aid and districts are involved in the recipients of the state school aid, we don't pay special education units state school aid, because it is all based on students. The districts are the only ones that actually receive any of that state school aid. With the exception of the REA funding, that is still a district entitlement, we are just redirecting it by directive to the REA, and then the language in the 70% is just taking that out of the consideration.

Rep. Mueller: On this particular issue we might want to do that. If we were silent on that issue in times gone by with special education districts and current technical organizations, maybe a good reason, would there be a problem just saying REAs here, as opposed to blanketing it.

Ch. Kelsch: I think that Jerry explained it quite well. They distribute state aid to school districts. School districts are the entity that employ those teachers. So REAs are going to be employing teachers on their own and it may be something that we're going to have to look at during the Interim. At this point, I think it is probably worthwhile having it in here, and we can take a look at it during the Interim if we feel it is necessary.

Rep. Mueller: Well I guess, the only concern one might have is that sometimes we do these things and we end up with some unintended consequences that may or may not be what we want, I'm okay with a certain amount.

Ch. Kelsch: If you would prefer to mull it over and hold on to it, that's fine. Currently I do not believe that it is being done. The only place that 70% is being applied at this point is to the school districts themselves. We don't currently have a motion on this one. Would you prefer to hold it.

Rep. Mueller: I think I would. There may be a few questions that could be asked.

Ch. Kelsch: This section is going to change one more time anyway, so it's not going to hurt to hold it. Amendment .0578 defines the school calendar (attachment 7). It says the 2009-2010 school year calendar stays the same. For the 2010-2011 school year, we are adding basically the same language that was in HB 1400 as it was introduced. We do have a little bit more in the definition sections so that we are laying out what the day of professional development must consist of; that's current law with the 6 hours and two 4 hours. On page 3, subsection 7, the language comes in for the optional professional development day which is the 4 early dismissals. Each of the early dismissals is 1.5 hours; however, we did state that we would like to see a minimum of 2 hour periods for the professional development. The second part of my amendment doesn't appear to be in here. I don't see for the 2011-12 school year where it goes to 175 days of instruction. There it is, It's at the top of page, beginning in the 2011-2012 school year, that we will move to 182 days and 175 would be for instruction. Let me explain, this year we stay at the 180 days, next session we go to the 181, we have the optional professional development day which was the same as was passed out of the House so it gives the optional professional development day of the 4 early dismissals and beginning in 2012, we will go to 182 days with 175 days of instruction. We wanted to make sure that that notice was here so that as school districts are negotiating contracts, they have that opportunity to negotiate for that additional day. Since we will be coming in, in 2011, I have had some people ask me if it will be funded. I told them that the Governor's budget will come in and his budget will reflect what's currently in state law.

Rep. Mueller: Currently what requirement do we have for student contact days.

Ch. Kelsch: Currently we have 173 days. In 2009-2010 it goes to 174 days, which was what we had in HB 1400 as it was originally introduced (the second year of the biennium). Then the

first year of the next biennium it will go to 175 contact days. Since we are one of the lowest in the nation we felt that perhaps we needed to make a little bit of movement.

Sen. Flakoll: Is the 3rd optional day of development language in here that says it must be a certain period of time, say like 2 hours.

Ch. Kelsch: If you look at page 3 subsection 7, beginning with the 2010-2011 school year, the school district elects to provide an optional third day of professional development, the school district may do so by shortening four instructional days for the purpose of providing four smaller periods of professional development. Then it goes on to say how the instructional days are laid out and that the early dismissal is 1.5 hours early. I think that most school districts probably have said that they will probably use a 2 hour block. I think we thought it was very important that we get the best that we can possibly get out of these professional development/early dismissal times. We felt that they should be at least a minimum of 2 hours, even though the early dismissal is 1.5 hours. Is there a motion for the amendment.

Rep. Mueller: I move the amendment .0578.

Sen. Freborg: Second.

Sen. Flakoll: I would like to comment on this. We're putting in a $110 million new dollars, and yet some people have complained that they aren't being treated like professionals, and continue to act like hourly employees. So that is a big concern for me, in terms of the overall package. I will support the amendment, but I don't think that would be important to say that was the case I heard about continually.

Ch. Kelsch: So noted.

Sen. Taylor: On funding for that 2011-2012 school year, you mentioned that we are going to add that extra day right now for school board negotiations but the funding will be up to the

Governor. I assume if the legislature is writing its own preliminary budget instead of the Governor that they would have to follow the state law and account for that.

Ch. Kelsch: Yes, that was my thinking. That would be correct.

Sen. Taylor: Good idea.

Ch. Kelsch: Further discussion. We worked on this, this was one of those areas where the Senate and House had a bit of a difference. I think that this was a nice compromise. We had some good discussions about this and so I appreciate the compromise on this amendment.

Sen. Flakoll: Just a quick point which I think has been discussed. On the 3rd day of professional development, do they have the option to use that day in other formats, as far as 4 hour blocks, such as we do currently.

Ch. Kelsch: The way that it is written we mandate the 2 days for professional development, and it tells you what they must consist of. They can either be the 6 hours of professional development, or they can be the two 4 hour periods conducted over two days. They can have those as their either/or. Their only optional can only be done by using the early dismissals. The two professional days can only be the 6 hours or the two 4 hours. That's in current law right now. Then their optional can only be the early dismissal.

Sen. Flakoll: I was hoping the optional would have the other two options as well, which they can't. So if a school district, for whatever reason, wished to do early dismissals, they could in lieu of the early dismissals, have one 6 hour day of professional development.

Ch. Kelsch: I think that is the way that my amendment was originally written. When I showed it to you, you had objections to that.

Sen. Flakoll: Just from the standpoint of how this was, you made corrections as far as they go, but I think the other part that I was looking for, that they could with the 3rd day, use it in the other two optional blocks of two 4 hours or 1 6 hour. My concern with the first amendment was

all professional development days could have been early release dates, or they all could have been 6 hour block dates, as I read it. I think you've corrected that part. I was just hoping for a little more latitude as far as if they don't want to do the early release, that they could do two 4 hour blocks or a full day block.

Ch. Kelsch: If you would like to make that as a friendly amendment to the motion, you can certainly do that and it would have to come in under subsection 7 and then you could say that they could use that, that would be fine.

Sen. Flakoll: So moved.

Rep. Wall: Second.

Ch. Kelsch: Voice vote on the Flakoll amendment to the amendment. Motion carried. We still have the motion before us on amendment .0578 as amended. Further discussion. Voice vote. Motion carried. That appears to be the end of amendments at this time.

Bob Martinson: When we were talking about the government services fund, the answer is no for the paying down past debt; however, under Title 8 it does say that paying down past debt may be an allowable expenditure. The language says that the Dept. strongly encourages LEAs to consider how its educational stabilization funds could be better used. It will be our guidance to say that past debt would not be an appropriate use of stabilization funds; however, under Title 8 it does say that it may be. I don't know how others might feel about that. So it is conflicting.

Ch. Kelsch: If it's going to be paying off a debt, then there should be a mill levy decrease that goes along with it. As I look at this, when I look at the renovations and upgrades that a school district can do with these monies, I think that is true property tax relief and that school districts should see, if they're not going to go to the vote of the people, that they don't go to the people

and ask them for these increases. I think if you're going to pay off the debt, then perhaps there should be a mill levy decrease that goes along with it.

Bob Martinson: Then I guess that would be at your discretion, a conversation with the committee.

Ch. Kelsch: I think we either say that we don't believe that to be a proper use of the funds, or if they use the funds for paying down debt that they should reduce property taxes.

Bob Martinson: That would be our guidance, unless we are directed differently.

Ch. Kelsch: Thank you. That's helpful.

Doug Johnson, NDCEL: This handout is on the stabilization dollars, it's in our umbrella but it kind of goes through the process that it uses (attachment 8). Down at the bottom you see a bold section where the stabilization dollars for the Title 8 is; the conflicting language that Bob just addressed. So you can follow through that, it talks about how they use the stabilization dollars, what they can and cannot do. I think the fifth bullet down from the top has the obligation dates, what it must be expended to, as well. The only other thing that you need to know is that we're recommending, from our office, that they not use it to pay down debt. They should use it to go for capital expenditures like curriculum guides, and modernization, etc. We're saying that they shouldn't be doing that because it really gets you bogged down.

Ch. Kelsch: Thank you. We will meet again this afternoon. We are in recess.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 27, 2009

Recorder Job Number: 12298

Committee Clerk Signature Carmen Hart

Minutes:

Senator Ryan Taylor handed out amendment 90379.0587. **(Attachment 1).** If you look under Subsection 1 on the amendment it appropriates it to the superintendent of Public Instruction for the purpose of allowing ESPB to award grants. I will move 90379.0587.

Rep. Phillip Mueller: Second.

A voice vote was taken. Motion carries.

Chairman Kelsch: We had .0585 this morning. On page 2, Subsection 6, that was the new language. It was perfectly clear that state aid is distributed to the school districts. Rep. Mueller had conversations and said that there should be no concerns at this point. I think we can consider this amendment at this time.

Senator Tim Flakoll: So move.

Rep. John Wall: Second.

A voice vote was taken. Motion carries.

Rep. Phillip Mueller: 1013 is still working its way through the system. Will that have an impact on what we do? Will that be reconciled later if there are changes?

Chairman Kelsch: I made myself available and visited with the conference committee on Saturday. They are basically at this point looking at a couple of things, nothing really earth shattering. They are more or less in a holding pattern to see what we do with 1400. They are

more so waiting on us to see if we do anything in here that will affect the appropriation that is currently in there.

Senator Tim Flakoll: Have they adopted anything at all yet?

Chairman Kelsch: They talked about the School for the Deaf, State Library, and School for the Blind. They talked about those major issues that are in 1013 and basically were in agreement with the way that it had come over from the Senate. They kind of pushed those aside. There were a couple of issues that were talking about. One is the deferred maintenance and whether or not that should stay in the bill. They had a couple of questions about the National Board of Certification and the money that was in the bill for that. They asked a question about whether or not we had in 1400 put additional dollars in for transportation other than what had come over from the Senate? I responded no, we had not.

Senator Tim Flakoll: Did they ask anything about Section 38? I explained that one a couple of times.

The meeting was adjourned until 2 p.m. April 28, 2009.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 28, 2009

Recorder Job Number: 12344

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch presented amendment 90379.0589 **(Attachment 1).** This deals with an issue that has come up. Obviously, this is an issue we hope does not come up every session. We already did put an amendment on regarding the study of weather related days, how those are determined when you don't start school, and those sorts of things. This is regarding the displacement of students. When we had the Northwood tornado, we had those students that were moved from Northwood. During this winter we have had some students that have had to be moved to other schools temporarily. Is it the district that is bringing these students in? Is it their responsibility? It would be kind of interesting to know what the procedure should be. We would like to look at how many school districts accepted displaced students and what expenses were incurred by providing those services to those displaced students. I am offering this as a potential study during the interim.

Senator Tim Flakoll: I move the amendments 90379.0589 to engrossed HB 1400.

Senator Layton Freborg: Second.

A voice vote was taken. Motion carries.

Senator Layton Freborg presented amendment 90379.0588 **(Attachment 2).** It is an insurance amendment and says that annually every school district shall obtain appraisal of its buildings and their contents, review policies providing coverage for its buildings, its facilities,

and contents, and ensure that policies are sufficient to provide in full for repair and replacement of district buildings, its facilities and their contents. Annually the superintendent of Public Instruction must verify that each district is in compliance. I move 90379.0588 to engrossed HB 1400.

Senator Tim Flakoll: Second.

Rep. Phillip Mueller: What currently is the status of these __ don't have any rules?

Senator Layton Freborg: Not that I know of. I believe I questioned that at the time that Northwood had the problem just to see. We knew that most districts were underinsured. I was told there are no requirements. They get whatever insurance they think is necessary.

Senator Ryan Taylor: If there are a number of schools out there insuring for their depreciated value of their infrastructure right now, we force them to go to replacement value, that is going to be a fairly significant premium up charge, isn't it? Do you have any idea what the differences might be?

Senator Layton Freborg: I can't tell you what the difference would be. I can assure you that the value placed on the existing building, most of them, and the replacement value is a huge difference. I think that is some of the problem.

A voice vote was taken. Motion carries.

Rep. Phillip Mueller presented amendment 90379.0559 **(Attachment 3).** It goes back to reference HB 1171 which was the home school bill. It was passed on both sides. It is something of a cleanup thing.

Senator Tim Flakoll: Is it your intent to remove that expiration date?

Rep. Phillip Mueller: It is not my intent to remove the expiration date. It is my intent for at least the two years to have the language reflected in all places as it should be.

Senator Ryan Taylor: __high school diploma or a teacher certificate. Obviously, everyone who has gone through a baccalaureate degree for teacher education is going to have a high school diploma.

Chairman Kelsch: Anita, would it be correct then that because the bill has passed and been signed by the Governor the sunset clause would still be part of law? Would this repeal that?

Anita Thomas: There is a note in the file to talk about that date whether it or not he wanted it on. I think you had a two year sunset on that. Make sure that the two year sunset also applies to these changes.

Rep. Phillip Mueller: If this passes as I have handed it out, the sunset goes away? Are we just insuring that the sunset would stay in place?

Anita Thomas: The language here would supersede the language in the bill passed.

Chairman Kelsch: You should probably amend .0559 to include the sunset clause which is July 31, 2011 as stated in HB 1171. It takes effect on August 1.

Rep. Phillip Mueller: I would re amend .0559 to reflect the sunset with an ending date of July 31, 2011.

Senator Ryan Taylor: The little mini conference here is just a difference in language on GED. It says general equivalency and 1171 says general educational.

Senator Tim Flakoll: The language in the amendment is the current language for that particular __ as opposed to what we passed in HB 1171. As Senator Taylor caught, says a general equivalency diploma versus the general education development diploma. Rep. Mueller's language is more current than the bill the Governor signed a few days ago. He seconded the motion.

A voice vote was taken. Motion carries.

Rep. Phillip Mueller: I move 90379.0559 as amended.

Rep. John Wall: Second.

A voice vote was taken. Motion carries.

Rep. Phillip Mueller presented the 90379.0557 amendment **(Attachment 4).** In 1171 the bill drafters chose to reflect the earlier interpretation on the high school graduation credits we would have as a requirement in 1400. The amendment language you have before you reflects what the HB 1400 will do in regard to number of units required of home school folks.

Chairman Kelsch: It makes the home school law consistent with the current law that all other students will have to achieve for the number of units required.

Rep. Phillip Mueller: Correct.

Chairman Kelsch: Was the home school law left out when we removed the requirements going from 22 to 24? 1171 did have the language in there that said they would go to 22 the first year of the biennium and 24 the second year of the biennium. All this is doing is making it more uniform. They would have the same requirements as any other high school student.

Senator Tim Flakoll: Would they have to be required to take the same subjects or just the number of credits?

Rep. Phillip Mueller: They do not take the same subjects nor do they take the same tests that are offered in the public school. They can but, generally speaking, they have their own curriculum. I move amendment .0557.

Senator Ryan Taylor: Second.

Rep. Phillip Mueller: As in the case of the public school, they can take 30 credits if they want to. It doesn't preclude them from going above and beyond the numbers we have in law.

A voice vote was taken. Motion carries.

Rep. Phillip Mueller presented amendment 90379.0552 **(Attachment 5).** This deals with home school folks. What it does basically is require the Department of Public Instruction to do

a report of those things listed on the bottom of page 1 and going over to page 2. We have continued to have this ongoing discussion in the home schooling association. We have been led to believe there are all kinds of other home schoolers out there. When we have to decide and determine here as we talked a bit earlier about a sunset in 2011, we thought it might be wise for us to have some idea of who is out there and what they are doing in terms of their educational levels. Are they being monitored? Are they being home educated by a high school graduate or a GED? At the grade levels if they are taking courses from the public school system that we get a handle on that and if they are playing basketball, hockey, or performing in the class play that we would have some sense of what that was about. He handed out the form that all parents have to fill out in terms of their intentions to home school. **(Attachment 6)** What has happened is that school districts have had the option of reporting home schooling activities. They are always very good about reporting those that are monitored because they get paid for them.

Senator Layton Freborg: How about the children that are 16 years old that are being home schooled? Certainly we couldn't force them to report those children could we?

Rep. Phillip Mueller: If they have filed the intent to be in school 16, 17, and 18, I would guess that information would come in. I also believe that if they chose not to be in school that information would not be available.

Chairman Kelsch: Do all parents that home school have to file this letter of intent with their school district?

Rep. Phillip Mueller: It is my understanding that they are suppose to.

Chairman Kelsch: What is the enforcement if they are not?

Rep. Phillip Mueller: The same as it is currently.

Chairman Kelsch: It would have changed during this last session which I believe the truancy bill has already been signed by the Governor also so we do have a little bit stricter truancy laws. If a parent was home schooling and had not filed their letter of intent, then it is possible that child would be considered a truant. Is that correct?

Rep. Phillip Mueller: That would be absolutely correct. The key to all that is someone has to report that. If someone does and the student is found to be truant, they are subject to the truancy laws and I suggest we change those a bit and __ them up to a broader range of penalties.

Chairman Kelsch: My biggest concern, especially during this legislative session when we did have the home school groups in, pretty much their advocacy group, it seemed as though the numbers were kind of okay, today it is this, today it is that. What you are trying to get at here is that to help so that we actually know how many home school students there are in this state and that it is not just a guess today and a different guess tomorrow?

Rep. Phillip Mueller: That summarizes it as well as it can be summarized. We did ask for some additional reporting things because if the information is there in the individual school districts, it might be of some value when we have this discussion in two years.

Senator Layton Freborg: My point a little while ago was that one of the reasons we can't get a count now is because once these children are 16 years old, it doesn't make any difference. They can educate them and not tell us, and they are not truant. I am sure the home school people don't care if we know or not, so they can continue to educate that child for a couple more years. There is no reason they have to report them. If they did, it would be voluntary.

Chairman Kelsch: If they want to receive the diploma from the district, though, do they have to continue to file their letter of intent up until graduation age?

Senator Layton Freborg: If we tell them they have to in order to get a diploma, then they do. Otherwise...

Chairman Kelsch: The rest of them, you are correct. They would not have to because the age would be age 16 and you can drop out of school at that point.

Senator Tim Flakoll: I was just reading 15.1-20-01 as it was referenced in the proposed amendment.

Chairman Kelsch: What does it say?

Senator Tim Flakoll: He read from the North Dakota Century Code. Compulsory attendance, a person having responsibility for a child between the ages of 7 and 16 years shall insure that the child is in attendance at a public school for the duration of each school year. If a person enrolls a child age 6 in a public school, the person shall insure that the child is in attendance at the public school for the duration of each school year. The person who withdraws a child of age 6 from the public school, however once was the child is withdrawn the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district. Finally, in small section of Subsection 3, this section does not apply if a child is accepted under provisions of Section 15.1-20-02 which is in question here with the amendments on page 2.

Chairman Kelsch: When was the exception put in the child is necessary to the support of the child's family?

Anita Thomas: Many years ago.

Chairman Kelsch: That had to be agricultural related.

Rep. Phillip Mueller: I would move amendment .0552.

Senator Tim Flakoll: Second.

Rep. Phillip Mueller: I haven't been as a big supporter of home schools as I might have been in times gone by, but I would hope that it is understood none of these amendments are to be construed as a shot at home schooling in any way, shape, or form.

Chairman Kelsch: Lisa Feldner, I have a longitudinal data system question for you.

Lisa Feldner, State CIO, appeared.

Chairman Kelsch: With the requirements for the state longitudinal data system, who will be required to be registered within that system or how will that data be put into that system?

Lisa Feldner: We have two avenues that we are thinking about. One is through the DPI STARS system at the present time and then through Power School where other districts are reporting. With regard to home schoolers, that is a good question.

Chairman Kelsch: If we pass this, the superintendents of the school districts that had students that were being home schooled, those home schoolers would file their letter of intent and then the superintendents would need to include that in their Power School report to the Department of Public Instruction. Then the STARS report would go out and pay the district. Is that how that works?

Lisa Feldner: What do you think, Jerry?

Chairman Kelsch: What is the difference? There is a difference between Power School and STARS.

Lisa Feldner: Definitely.

Chairman Kelsch: In essence, isn't that what would happen? If these home school parents gave this information to the superintendent, the superintendent would have to file it with the Department of Public Instruction through Power School, because that is what it will be eventually. They would be included in that data, and it would break out so we could break it

out as to who and what the number of home school students were. Are the nonpublic schools going to be doing this too?

Lisa Feldner: I think our longitudinal data system committee feels that if the non publics would like to participate, we are certainly open to that.

Chairman Kelsch: We still will not have with that longitudinal data system all of the information that we want which is what's going on with our home school students, what is going on with our nonpublic school students, what is going on with our public school students?

Lisa Feldner: Would you not have to require them to report?

Chairman Kelsch: You would. I thought that we were doing something with the longitudinal data system that started those students into that system before they got to school. Maybe I was being led down the wrong path.

Lisa Feldner: What we have initially in the legislation this time is all of the privacy things that we need in there. I suppose it would be easier to put it in rules rather than in legislation as to what information to collect.

A voice vote was tried. A roll call vote was taken. 4 Yeas, 2 Nays. This amendment fails.

Rep. John Wall had presented amendment .0574 which was the personal finance. I failed to put in an effective date and to implement it I need to do so. The effective date would be starting the personal finance offering in 2009-10 school year or the 2010-11 school year and I will leave it up to the committee's wishes which to do.

Chairman Kelsch: I think it is probably best to give them a year so put it the second year of the biennium.

Rep. John Wall: Do we need to take a vote on that? He was told by Chairman Kelsch that we would if he would move that. I would move that we make the effective date for .0574 to the 2010-11 school year.

Rep. Phillip Mueller: Second.

A voice vote was taken. Motion carries.

Chairman Kelsch: I will tell the audience I would buy your tickets early, because the bill is coming out tomorrow between one of the two meetings.

Senator Tim Flakoll presented amendment 90379.0584 **(Attachment 7).** I am going to ask the conference committee to further amend this. We would likely add it in or around 1C to include those eligible persons seeking a degree such that they could become a career advisor a school counselor. If we are looking to add some staffing over the next couple years, that would help them to get from point a to point b. I move the amendment 90379.0584 to engrossed HB 1400.

Senator Layton Freborg: Second.

Senator Tim Flakoll: That includes the counselor language and the career advisor language.

Chairman Kelsch: That is really to show a good faith effort. We believe it is important and to try to help them to get up to speed quicker so we can get those people into those positions, especially counselors. There is a shortage in the state. Is that correct?

Senator Tim Flakoll: Yes.

A voice vote was taken. Motion carries.

Chairman Kelsch: I believe there will be about three amendments tomorrow.

Senator Tim Flakoll: I would probably have one for tomorrow.

Senator Layton Freborg: Are you setting a deadline on amendments?

Chairman Kelsch: If there are going to be any further amendments, they need to be here by the morning meeting. The big one might not be here by the morning meeting, but that one is a little bit of a different amendment. The meeting was adjourned until the morning of April 29.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1400**

House Education Committee

☒ Check here for Conference Committee

Hearing Date: **29 April 2009, 10 a.m.**

Recorder Job Number: 12273

Committee Clerk Signature

Minutes:

Chairman Kelsch called the conference committee on 1400 to order. All committee members were present.

Chairman Kelsch presented amendment 90379.0592. **(Attachment 1)** When we enacted this section of law we stated that we wanted all students to be able to take the ACT, SAT or Workkeys. We went on to make it that the DPI could negotiate for statewide contracts. ACT wanted payment for the SAT also if they negotiated for the ACT. We know that all students that take the SAT have already taken the ACT. It's a given that they do that. So, in order for us to negotiate and get a statewide price and negotiate that the school districts could give the tests in their schools. That would all be negotiated as part of it. We decided that it was probably better for us to remove the SAT. This way we can reduce our costs. That's what this amendment does it just removes the SAT.

We will have also need to make a correction on page 3, subsection 1, eliminating the references to the SAT.

Senator Taylor: Have you ever had any numbers as to how many students in ND are taking the SAT?

Senator Flakoll: If we do a 2% average that would be a pretty strong number.

Chairman Kelsch: We can add the changes needed to this amendment (page 3, subsection 1, changes) and Anita will make that change.

Representative Wall: I will move that amendment.

Representative Mueller: Second.

A voice vote was taken. The motion to accept Amendment 90379.0592 and changes to be made to delete reference to SAT in page 3, subsection1 was accepted.

Representative Mueller: Is there any potential that the folks from SAT may come back and say we can't do that. Are there any legal ramifications that anyone has talked about?

Chairman Kelsch: No, there aren't. As a state we are making a decision as to which tests we will pay for. That's all we are doing here. What we offered in the first place was that we would pay for one. There are a lot of students that take the SAT several times to improve their grades and they pay for each one of those. I know a number of students that have taken the SAT but they took the ACT also because they were going to be applying for colleges out of state.

Senator Flakoll: We may need to resolve when we split the scholarship amounts so that we have a transitional year, we took the language as found on page 3, subsection 3, that they are not eligible for both. That would apply to only that one year's worth of students. Should we also amend it so that on a "go forward" basis that people know that it does not apply to those scholarships as we move forward? **Chairman Kelsch:** That's fine. Does Ms Thomas know what the language would be for that?

Anita Thomas: We will create it.

Senator Flakoll: I would move that change so that students are not eligible to receive both scholarships as provided in sections 11 and 12 of the .0529 amendment before us.

Senator Freborg: Second.

A voice vote was taken and the amendment was accepted.

Chairman Kelsch: Now we have twice amended 90379.0592.

Representative Wall: I move .0592 to engrossed HB 1400.

Senator Taylor: Second.

A voice vote was taken. .0592 as twice amended was accepted.

Chairman Kelsch: This is regarding school construction approval. This was brought up because we were looking at following this section of law when we were looking at stimulus dollars. The issue is that in current language it says, ". . . and the ability to sustain a stable or increasing student enrollment." Stable has not been defined. What this does is removes that language. When the DPI is going to be looking at these projects and the way this language reads now, there are only 2 or maybe 3 school districts in the state that this standard would apply to. This removes that language and puts expiration on it. We have already passed a study in HB 1400 where we will be looking at approval and accreditation processes.

Senator Flakoll: Would there be any requirement then by the DPI then to look at any long-term viability of the district?

Chairman Kelsch: We talked about putting "viable" in there but again we have no definition of viability.

Bob Marthaller, DPI: The only language that is really causing heartburn for me is the stable or increasing enrollment. We will certainly look at the long-term viability of a school district in terms of the likes of their project or how their project will extend the useful life of their building. It doesn't preclude us from looking at that still.

Senator Flakoll: Can you give me an example of some reasons that you would have at your disposal for denying a request.

Bob Marthaller: Without some flexibility in the language if I were to apply the law, I would virtually have to say no to most projects.

Senator Flakoll: I'm asking if we pass the .0591 amendment, under what circumstances would you be able to deny them—on what grounds?

Bob Marthaller: We would still certainly look at new construction. New construction is defined as not adding new footage. That might be one example of where we could deny new construction.

Senator Flakoll: If West Fargo is growing by 500 students per year versus a school district that is decreasing 5% - 10% a year. How will you look at it?

Bob Marthaller: We just approved a project for West Fargo. Their enrollment is increasing and that's a non-issue for me. The language as provided in the amendment gives me the flexibility also to approve replacing sewers, energy efficiency kinds of projects like windows, insulation. I wouldn't necessarily need to pay that close attention to the particular section that says stable or increasing enrollment. There is no other definition that I have found. Maybe that's something in the interim that we need to define.

Chairman Kelsch: If you look at Mandan for example, we are not increasing our student population. Bismarck may have had some slight increases in some of their schools. We have a lot of districts that I would consider stable; but is my definition of stable the same as your definition of stable. They may be losing students but they will be around forever.

Bob Marthaller: As we have talked about, that is my definition of stability. The larger communities can be considered stable even if the population in the city may be on decline. We could also look at building as one criterion that we might want to look at.

Senator Flakoll: What can you tell me to make me less worried that we would get in to a situation where the district has a 20-year bond and yet after 12 years their projected

enrollments and their births may be pretty suspect? One of my concerns is if we loosen it up and allow them to build something and then they may be less able to reorganize because who wants to take on that load coming from another district.

Bob Marthaller: In one project I have already looked at the application came in and it was a school district that was suspect in the way you define. I sent that application back and had them look at the potential for reorganization within their area. That still applies and that would be one assurance I can give you; it would be one of the things I would be looking at and would be sending that back.

Chairman Kelsch: Here is a real world example. We are going to have money going to be used for deferred maintenance. Every one of those projects has to be approved by the DPI. Are you using this standard? How many approvals technically could you make? Only in major cities because that would be your definition of stable and for sure those districts that have an increasing population but beyond that?

Bob Marthaller: Probably none and with the existing language I probably could not approve, for example, a school district that wants to replace a roof or reinsulated their buildings or replace doors or other energy efficiency types of projects. I don't think that is the intent of most folks today.

Chairman Kelsch: It was put in about 12 years ago. Some of that intent is still there but we need a more succinct definition so that there is no wiggle room.

Bob Marthaller: I think there needs to be some more specific guidelines and more direction if the DPI is going to continue to approve those projects. In the interim my concern is that we can approve those projects to renovate and fix whatever needs fixing. I did a survey and had 67 school districts reply and the identified $225.0 million in renovation needs. Only one or two of those identified new construction.

Chairman Kelsch: One of my biggest concerns and I did put this in as an amendment as I felt it needed to be discussed today because I look at it as an issue. This Committee and probably both bodies want some assurances that even though school districts are going to receive this deferred money that it's not going to be just tossed up in the wind. There are districts that are not going to be around two years from now and yet we are letting them put a brand new roof on. Is it a building that if eventually if the school reorganizes or shuts down, can be used by the community for something.

Tom Marthaller: What I can assure you is that we will give the same kind of scrutiny to all the projects as we currently do along with hopefully you will give me some flexibility in the declining enrollment issue. If we need to meet all standards as identified and we apply strictly across the board, then the answer is no to all projects.

Senator Taylor: When we first did this amendment the other day it sent some flags to me. It's the $25.0 language. As we look at stimulus projects that we are going to encourage districts to take on, I don't know hardly any that will be less than $25.0. If we take the language out of here that ties Bob's hands to limiting projects to 2 or 3 school districts, there is still other language in there that gives some assurances that there is still the need for the project which can be pretty broadly defined. In response to Senator Flakoll, the line is still in here about the capacity of the district to pay for the project. In terms of spatial geography there will be a need for buildings that students can be educated in. I think it's a reasonable amount of flexibility.

Representative Mueller: Bob, given the adoption of this amendment, what would you tell a school district that came with their hat in hand and said we have a dandy deal here and we are going to use stimulus money and you just don't think it's a good plan. How and why would you turn them down?

Bob Marthaller: I would turn them down based on the utility of the project, does it serve an educational purpose, and will it extend the life of the facility at least through a period of time where we believe there will be a functioning school. If I deny those kinds of projects, it can be appealed to the state board and they would have to apply the same standards for their approval.

Senator Freborg: On page one, subsection 3, number 1, need for the project; isn't that all encompassing? How would you look at that? The need because of enrollment?

Bob Marthaller: A need could be defined as the sewer is shot and we have to replacement or health standards will not allow you to continue to exist in that building.

Senator Freborg: That's the only language we need if it applied properly.

(Chairman Kelsch read the current statute.)

Bob Marthaller: The need for the project: Is there a community? Are there students in the school district that need to be enrolled in school? That demonstrates a need for improvements in the building. School districts are required to provide education to students. I am struggling with this a little bit but I can tell you that I know that stabilization dollars are on the minds of a lot of school districts in terms of fix-up projects: windows, roofs, sewers, doors, and there may be some ADA issues still out there that they may try to rectify. I just looked at an approved a project for a school district was replacing portable classrooms that weren't even hooked up to the fire alarm system and so there were safety issues. I believe there is a lot of necessary need for those kinds of improvements in school districts. If I strictly apply the declining enrollment it would seem to me that even repairing roofs would be a no. I don't think that's the intent. We have worked around it so that those projects could be approved and I wanted to get this out in the open so we had discussion about it because the law is the law.

Senator Flakoll: What do you deem a project as defined in this section? If a district in one of their buildings wants to do $25.0 in windows, $25.0 in HVAC, $25.0 for an accessible ramp, and $25.0 for roof improvement and they send them to you four different days. Is that one project or is that four projects. We know there are some clever administrators who work within the system successfully.

Bob Marthaller: I think they are the same project and they would require approval.

Chairman Kelsch: That's how this Committee would perceive them also. Cleverness aside, it is now on the record and if something like that were done it would be considered as one project.

Bob Marthaller: That has not occurred.

Senator Flakoll: I move that on section 31, subsection 3 of the proposed .0591 amendment, change the threshold from $25.0 to $40.0.

Senator Taylor: Second

Representative Mueller: Would it be your intention with that adjustment to eliminate the overstrikes in the proposal?

Senator Flakoll: No, this is to further amend it. If this is adopted the amendment would then be subject to being passed with that dollar change. I do not wish to change any other language.

Chairman Kelsch: It really makes good sense for us to do this while the stimulus stabilization fund monies are coming.

A voice vote was taken. The amendment to .0591 as stated above was accepted.

Senator Freborg: I move we adopt .0591 as amended to engrossed HB 1400.

Senator Flakoll: Second.

A voice vote was taken and amendment .0591 with change was accepted.

Representative Mueller: I have an amendment for consideration. **(.0558 Attachment 3)** This is a reaction to the elimination of our pre-K efforts in the original version of HB 1400. I have become convinced that the pilot program is not going to happen. What you have before you is a few additional words to what we currently have in code, basically the underlying language. There is a change from pre-kindergarten to early childhood which is pretty common stuff around the country. An approved early childhood education program which may expend locally generated revenue to support the program. We do have language to allow for pre-k and what this will do is to make it such that districts can utilize funds that they may have available to continue pre-k. What we have determined through lengthy conversations with the DPI and other is that stimulus monies can in fact begin pre-kindergarten kinds of efforts. There may be schools that choose to do that. The dilemma for those schools may be that in two years when the stimulus money goes away, that they may want to continue to do this. This opens the door a bit for funding of a continued pre-kindergarten program.

Chairman Kelsch: Let me make sure that I understand exactly what this language is doing. During the last session we put in the permissive language and said that school districts may establish a pre-kindergarten program and may receive and expend any state money specifically appropriated for the program, any federal funds specifically appropriated or approved for the program and any gifts, grants and donations specifically given for the program. That's the current law. What your amendment does is because is pre-kindergarten is no longer the standard language and early childhood education is the standard language. You are changing pre-kindergarten to early childhood program adding "expend locally generated revenues to support the"—isn't gifts or donations locally generated moneys. I'm not sure what the differences are between what's in here and what we currently have.

Representative Mueller: What it basically says is if there are dollars that come in to a school district through taxation, and this does not authorize taxation for pre-k, but if their local mil levies are such that they can continue to do the program moving forward. The other important part is that "approved" is part of this language. "Approved" is important. I'm a little foggy on exactly what the DPI does but they then have the wherewithal not to set up a major kind of structure bureaucratic thing that may guide everybody in every bit and piece of formulation of a pre-k program. But if they could talk about the quality of the teachers, talk about some curriculum things kind of in general, not horribly prescriptive manner but put some standards in place to be established.

Senator Flakoll: Would this drive us further away from 70% state funding?

Representative Mueller: I suppose it could. Again, understand that in least the next two years those that may choose to do this can use stimulus money. Those monies are there for this purpose now. If we look at it and deal with it in two years we'll have to consider that issue.

Senator Flakoll: Would that go counter to the earlier adoption of either section 4 or 5 which advises the school districts that federal stimulus dollars are for non-recurring expenditures only and don't rely on the state to continue that funding.

Representative Mueller: What you pose as a question makes the case for the state. We're talking about "appropriated state funds." What we are now talking about are funds that may come from local resources not necessarily appropriations for pre-k because we don't have such as thing at this point and we may not in the future. But, they may want to continue to do this and the enabling language here would allow them to fund that effort with stimulus monies in the upcoming biennium. **I move amendment .0558 to engrossed HB 1400.**

Senator Taylor: Second. We had language in there last session about using federal dollars or state dollars. I think what concerns people is state dollars. This looks pretty permissive to

me that within a local community amongst the locally elected school board members if this is something they want to support, it's their local decision and we give them authority. We still have control of the state purse strings for the things we are concerned about with this issue.

Representative Wall: A question. The word "approved" I assume that currently does not apply.

Representative Mueller: I think it's pretty vague and it's good to talk about that word "approved." We don't have currently any laws that dictate to local school districts how they will conduct their early childhood programs. Because of the nature of the stimulus monies I don't think that we can tell school districts exactly how to do them in a very prescriptive manner even as we move forward into the upcoming biennium and use stimulus monies. I think there is enough wiggle room for the DPI to say you need to have a qualified teacher, you do need to make sure the buildings are safe and the fire hazards. . . There are a number of things that are very critical to any educational program that the word "approved" would allow them to become involved. In visiting with the DPI people, there were some things they could not do but this would give them some parameters for them to work with in terms of quality and possibly monitoring and testing.

Senator Freborg: I request a roll call vote on this.

A roll call vote was taken: Yes: 4, No: 2, Absent: 0

The motion failed.

Chairman Kelsch: I hope to have all the amendments this afternoon. I want to thank you for your hard work. With the efforts so far, we have a much stronger bill than we had coming out of both the House and the Senate. I think when it's all said and done, I think we will have a lot less loopholes and the language will be tighter and it will reflect all of the ideas we had and

they will work well. We strive for perfection in education and hopefully when we send this bill out that is what we will have.

The Committee will meet again at 4 p.m.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 29, 2009

Recorder Job Number: 12393

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch called the conference committee together on HB 1400.

All members were present.

Chairman Kelsch handed out a document that she read into the record. See attachment #1. (11304) It was drafted by Jerry Coleman from the Department of Public Instruction, due to questions that I have had on HB 1304. This is to make sure that we don't have issues within the formula. That is in the county infrastructure grants.

Senator Flakoll reviewed the .0586 to engrossed HB 1400. They deal with weighting factors. The proposed weighting factors:

- Most severe/level 1's would have a weighting factor of .3
- Second highest would have a weighting factor of .2
- Third weighting factor would have a weighting factor of .07 with respect to ELL

  We did not change the REA language and the SE language which is still at .07.
- New weighting factor for technology would be .002 using it toward average daily membership – "not right language"
- Continued to do language that we adopted earlier with a weighting factor starting the 11/13 biennium for the 'at risk factor' of .025.

Senator Flakoll moved the amendments 90379.0586 to engrossed HB 1400.

Seconded by Senator Freborg.

Rep. Meuller: What is the fiscal impact with the changes of the ELL factors versus what we had up to this point in the Senate version?

Senator Flakoll: The amendment that you had before you would be revenue neutral as compared to the weighting factors as it came to us.

Chairman Kelsch: We had the three levels when it was passed over to the Senate.

Senator Flakoll: That would not change from the House levels. The amount that we would pay out would be larger than the House had passed earlier as far as the weighting factors. I would estimate, but we don't know for sure until Mr. Jerry Coleman from DPI gives us the numbers for the student payments, that Level 1 students would get approximately $1080, Level 2 would be about $720, and Level 3 children would get $350 to their school districts. These are my estimates, not DPI's. This is using $3420 for the first year and $3779 for the second year.

Rep. Meuller: To clarify, will you send it over to .... The way that you resolved your process over there, we were a million and a half to two million over the mark from the way that we sent it to you in ELL funding.

Senator Flakoll: I'm not sure of the question. The Senate two(?) amendments increased ELL funding. Is that the question?

Rep. Meuller: That is the question. Does this take us back to the way that we sent it to you initially?

Senator Flakoll: No, as it came to the Senate the House had it at .2 at the most, this changes it to .3. The bill as it came to us at the second level was at .05, this changes it to .2.

The third most severe level came to us at .02, this changes it to .07. He repeated the dollar amounts.

Senator Taylor: I understand that (inaudible) neutral is what we have in the new 800 version of the two categories. I don't know if you have population numbers on what you are basing your estimates on for those three categories. We had the .2 category for the new immigrants, as it was called. They would most likely end up Level 1 at least proficient; do you think?

Senator Flakoll: To be clear, when I say revenue neutral, I mean revenue neutral in respect to the entire amendment including .002 for technology.

Senator Taylor: Can you just give us ballpark numbers so we know how many Level 1's, 2's, and 3's that we are basing this on. That is where we get the fiscal impact of the amendment.

Chairman Kelsch: Do you have those numbers there?

Senator Flakoll: The grand total ADM for category 1, the most severe, is about 180 people. Category 2 is about 394 people. Category 3 is about 1148 people. That would point out that in terms of where we are at in this biennium; this is an extremely significant jump forward. Not only in terms of dollars by category, but it also brings in a third category which we didn't have with a weighting factor before.

Chairman Kelsch: Any further discussion on the amendment?

A voice vote was taken on .0586. The motion carried.

Chairman Kelsch distributed amendment .0590. She explained that this is a simple amendment. It says that each school district shall require Power School and use it as their student information system. The reason is to make sure that we have a uniform system as we develop our longitudinal data system. It will be equal across the board.

Senator Flakoll moved the amendment 90379.0590 to engrossed HB 1400.

Rep. Wall seconded the motion.

Chairman Kelsch: Discussion?

Rep. Meuller: I was in attendance at a hearing on HB 1013. The question that was proposed had to do with Stars versus Power School. What we are talking about may be the Cadillac of the two, but they really are two different systems. Will the school districts be able to do all the things that they need to do with Power School and not have to have Stars? Those that do not have Power School, are we forwarding some money for them to do that with?

Chairman Kelsch: In the amendment that we just passed there was a technology weighting factor. I would assume that if school would like to use that, they could certainly use it for this.

Rep. Meuller: That wasn't for computers? Or it could be? The other part of the amendment about Stars and Power School?

Chairman Kelsch: I thought about doing away completely with Stars when I drafted this amendment, but apparently there was panic on eleventh floor. It is my understanding that Power School is the way that school districts report their data to the Department of Public Instruction. Jerry Coleman, will you come forward and explain both systems.

Jerry Coleman, DPI: Stars and Power School are two different systems for two different purposes. Power School is used at the District level to manage their students. That is a major source of how they will collect their information. Yet they still need to communicate that recording up to the Department of Public of Instruction, and Stars is the tool that we use to collect that. If all schools are using Power School, we can work with the Power Schools to build enhancement to upload data to us. We use Stars for all of our data collecting purposes. We could use for all of our reporting purposes Power School which would give them a means to generate consistent data and be able to report that. The big idea behind that is to be able to have one consistent software out in the school districts to manage their business in addition to being able to interface that with the state reporting systems.

Chairman Kelsch: I would recommend that because I didn't put Star in this amendment, you figure out a way that it can be used strictly through Power School, so that we no longer have to have both Power School and Stars. It would be a good recommendation. I don't believe that you would need two separate systems if all schools are on Power School.

Jerry Coleman: Theoretically you can get to that point, but it would not be overnight.

Chairman Kelsch: No, but perhaps between now and 2011.

Senator Taylor: The last I heard was that about half of the schools are currently using Power School. Is that correct?

Jerry Coleman: I don't know the exact number, but it is probably at least 60% of the students are covered under Power School. That may be rising because Fargo and West Fargo are coming on to that.

Senator Taylor: On the other 40%, what other systems are being used out there? Are there other hang-ups that they are going to have aside from the money in making this transition?

Jerry Coleman: With all those systems having adequate technical support behind that. They will have issues getting in transitions. People are going to have to learn how to use it. For an extremely small district this might be a lot more software than they will ever be able to take advantage of.

Chairman Kelsch: It is 83% of the student population is being accounted for by Power School. The bill as it passed both the House and the Senate, until it went to Conference Committee, did mandate Power School in the ITD bill that was 2021.

Senator Taylor: I don't think that we are going to get full funding like we were earlier in the session. Is the department ready to handle and walk through some of these districts that are going to have issues with implementation? It will take some manpower.

Jerry Coleman: I know that initially the ITD budget has FTE's assigned for that, but I am not sure where that is sitting right now.

Lisa Feldner: In ITD's bill, which is the first bill this evening, there is a $12 per student charge for Power School which includes all of the support for training, implementation, and hardware and software. It is in the schedule over the next several years until it is complete.

Rep. Mueller: Lisa, what are we going to hear about not being able to do this?

Lisa Feldner: Of course, they are two different systems as Mr. Coleman said. Power School does the day-to-day thing and reports up to Stars. We still need Stars in the interim to transition. Yes, we will have people say, I don't want to use Power School because we have JMC and I really like it. We will hear people say, I don't want to use anything. Very small districts that have very few kids may want to just input their information into Stars. I think that we have to consider that. There is always pain with change.

A voice vote was taken on 90379.0590 to engrossed HB 1400. The motion carried.

Chairman Kelsch handed out the amendments 90379.0598 and 90379.0596. See attachments #4 and #5.

Chairman Kelsch: Let's discuss .0598 first. Section 3, is the notification for funds received. The change is that it says, "Any education stabilization fund dollars received as a result of the American Recovering Reinvestment Act should be dispersed to restore funding deficiencies in the 09/10 school year when compared to the 08/09 school year. Any additional dollars received under the ARRA of 2009 should be used for one-time non-recurring expenditures because this state is not responsible for that level of funding." We add in the language, "education stabilization fund dollars". In the second page we talk about the monies that are exempt from the 70%. The new language would be the supplemental one-time grants, which will come in under Section 51 of this Act. The $11.58 per weighted student unit, which is the

money that is used for the assessments and the technology. Section 51 is the supplemental one-time grants. The Superintendent of Public Instruction may expend up to 85.6+++ million dollars from the grants as a one-time supplemental payment. These grants can be distributed only for the following: (See Section 51, a-f) They cannot be used for temporary property tax reductions, principle payments on outstanding debts, construction of new buildings, hiring new personnel or compensation increases, and grants distributed under this section do not constitute new money. Also included is Section 5, #5.

Senator Freborg moved the amendment .0598 to engrossed HB 1400.

Rep. Wall seconded the motion.

Senator Taylor: On the newly named supplemental one-time grant, the $85.6 million which we probably knew as fiscal stabilization through the stimulus funds. What we have seen in the last month and one half as we have contemplated this money, was divided out or configured amongst the school districts based on title I which as I understand takes into account free and reduced lunch and rates of poverty in various school districts. Now, we are still giving that money to the schools, and we have some nice language here about what they can use it for, but it is tied to 1013 in terms of how those payments are to be made on a per district basis. Now are we moving away from the Title 1 configuration that we have been exposed to for a month and a half? What are we moving towards?

Chairman Kelsch: These one-time stabilization dollars go out based on average daily membership. It says that on the last line of Section 51. These monies are not distributed using the Title 1 formula. They are used based on ADM. The fairness in that is that the Title 1 monies do not go out to all school districts. What has happened here is that the $85 million has become state general fund money and will go out based on ADM.

Senator Taylor: I guess that when we look through that we see some fairness in terms of total numbers. When I looked at the list previously, there were a handful of districts that weren't receiving Title 1. It didn't seem like it would be a huge issue. I am still OK with supporting that have a higher level of poverty than those that don't. We also have weighted students too, if you want to look at the higher cost of some school districts versus others. I guess I will try to work through in my mind wanting to move to an ADM system rather than one that takes into account poverty or cost differences for different sized school districts.

Chairman Kelsch: Let me refresh your memory on the federal stimulus dollars that will be going out to school districts.

Pot #1 – There is $27 million that is going out based on Title 1. There is also impact aid that is going out to a number of those school districts that would have received more if the monies would have gone out based on Title 1. The difference here is that by moving the stimulus dollars into the funding formula and pulling the money out to make them general fund dollars to allow the state to use a formula to distribute the monies. This makes it fairer. We truly believe that there are school districts across the state that could use a boost, some deferred maintenance, some new text books, or could use a new science lab, all of which we are allowing as potential uses for those dollars. The reason that the money was being put out as Title 1 was because that was the formula that the federal government had. In a perfect world it would have been sent to your state and run through as the state thought was the fairest and not tie it to a certain program. Those schools will receive the $27 million, the impact aid, and money based on ADM.

Rep. Mueller: Can we do this? Do we know that we have the mechanisms in place to allow us to make the transfer?

Chairman Kelsch: Yes, we do. Initially we talked about some other ways to spend the stimulus money. We were told that we could not do that. This has had questions asked, and re-asked, and re-asked again, an application has been filled out and shown to the DPI, there have been direct conversations with the head of the stimulus monies at the US Department of Education, and they said, "Yes, we can do it this way." We were told that as long as you meet your maintenance records for 2006 and up to the 2009 level, and we can do this.

Rep. Mueller: I think the federal strings are difficult, and this is a better system, but we are doing some fairly significant shifting versus the way that Title 1 would have done it. That would be to go to the more underserved areas. That is one of the concerns that we have to work through. How do we know that the legislature will OK an ADM payment based on about $85 million?

Chairman Kelsch: I did sit down with some members of the Conference Committee on 1013 to discuss this with them. I think that it has been the level of funding that the legislature has said that they are going to give for K-12. We already had $11 million dollars removed for at risk. The $10 million of deferred maintenance was removed from 1013. That is our contribution towards balancing the budget and making sure the money stays in the general fund. This has been the level of funding that has been accepted. I think that all of us have been looking for a way that is fairer to distribute the monies and to allow us to put our strings on, knowing what the needs are for our school in our state. If you want to talk about property tax relief, this is true property tax relief. There are school districts that need to make major improvements. If they have to go to a vote of the people, that would fail right now. We need to make sure that we are providing safe environments for all of our students. We also need to make sure that Title 1 expenditures are included in there. If they feel like they need Title 1 advancement they can do that.

Rep. Mueller: The way that it is structured if it isn't ADM basis, that means that the number of kids in that school will get $917 per kid. Could another school get more than $917, if school B doesn't get their money, could school A get school B's $917?

Chairman Kelsch: The money ***will*** go out to the school districts. It is strictly based on ADM. One school cannot get more than what their ADM is.

Rep. Mueller: What if a school doesn't apply for this list of A-F? What happens to the money at that point?

Chairman Kelsch: I think we have to turn it back to the general fund. I can't imagine that school districts aren't going to embrace this and spend it.

Rep. Mueller: I am not finding a lot of problems with what I am hearing here. I just think that it is a bit late in the game for such a revolutionary concept.

Chairman Kelsch: It has been worked on, and if we weren't able to get approval to get it to work, it was not going to be rolled out. We would have just gone with the system the way that it was.

Senator Freborg: I have never witnessed a school that couldn't spend all the money that you give them.

Senator Flakoll: During the session we have continued to receive greater clarity as to what we can do with the dollars. In terms of getting approval from some of the right folks, the Lt. Governor has talked to the Vice President of the US who says that we can do this. That lets us know that what we are doing is acceptable and appropriate, and it won't get changed in the next 24 hours. We are also in a unique position because of our budget being strong. The federal government is dealing with 46 other states that are a wreck.

Rep. Mueller: I trust that that is all as it is being presented. What I am not so sure about is what this legislative assembly might end up doing, because these become general fund dollars at this time. They **can**, or they **don't have to** send it out on a ADM basis.

Chairman Kelsch: The amendments are already being drafted, and they are being drafted under the names of Skarphol, Wald, and Kelsch.

Senator Taylor: The three pots of money as we discussed, when we looked at those numbers a month and a half ago, we knew that they would get the $27 million on a Title 1 basis at that time. Now the impact that means that if a school was to receive Title 1 dollars in a traditional year, the impact numbers, what makes it up if they were to get less under the stimulus package? Tell me how do those impact dollars come in? There are 27 school districts that are getting those. What does that bring them to? What are we trying to match up with that impact aid?

Chairman Kelsch: The schools with the greatest need. I think that is why they are receiving the impact dollars. Typically it is the reservation schools. So, according to this it would be Belcourt, Devils Lake, Dunseith, Emerado, Fort Totten, Fort Yates, Garrison, Glenburn, Grand Forks Air Force Base, Hatton, Hazen, Larimore, Mandaree, Minot Air Force Base, Minnewauken, and New Town. Basically it is the reservations and the Air Force Bases. That is who is receiving the impact money. It is $1.2 million.

A recorded roll call vote was taken on the amendment .0598. Senators: Aye 2 Nay 1 Representatives: Aye 2 Nay 1 The motion carried.

Chairman Kelsch: Now let's look at .0596. On the second page, this sends out one-time grants of $16. 7+ million. Because we had to drop down to the 2006 baseline funding for maintenance of effort, now we plug in the $85 million. That brings us up to the 2009 funding plus about $2 million. School districts are basically held at the same level from '09-2010.

Then it bloats the payment for the second year of the biennium because the $6 million difference would be added on to the $433 million to bring it up to $450 million for the second year of the biennium. So, to equalize and get them to the same points that the Governor is recommending in his executive budget, that the House and Senate have both bought off on for the per student payment, you would need to reduce the second year of the biennium by $16 million. It is just a maneuver; it is there, but you take it out before it gets there. The $16 million then is a supplemental payment the first year of the biennium to bring school districts up to the funding formula level which was what the Governor recommended. To get those first year payments to the level that they would have been if we had not used the stimulus dollars. So, the per student payment is the same the first year of the biennium and the second year of the biennium as is currently written in 1400. I think that they are pretty well set, right Jerry Coleman?

Jerry Coleman: We have to wait for the final numbers.

Chairman Kelsch: In order for school district to be able to operate, we have to send out the $16 million. One-time the first year of the biennium, it will never be done again. It will be sent out based on ADM.

Senator Taylor: These are dollars that are already in 1013 being shuffled?

Chairman Kelsch: That is correct. This is actually a companion to .0598.

Senator Flakoll moved the **amendment 90379.0596 to engrossed HB 1400.**

Rep. Wall seconded the motion.

A voice vote was taken on the amendment. The motion carried.

Chairman Kelsch handed out amendment 90379.0597. See attachment #6.

Chairman Kelsch: This needs to be dealing with the unobligated fund balance, so that we can make sure that we know what we are doing. The changes are 2B and Section 56, the

effective date. Jerry, are we going to be OK with that where is says, (2B) "Were received by the district ....." because we are calling those one time state grants.

Jerry Coleman: We are just going to put that in there just in case. I was thinking in terms of the impact aid dollars. That may go directly to school districts and not through the DPI. If we had that in there, then we just didn't have to worry about that excess fund balance calculation.

Chairman Kelsch: The expiration date was June 30 of 2011. That was the date that we put in so that they had that much time to extend those monies, so that it would not affect their ending fund balance. Is that right?

Jerry Coleman: As I see it, that gives them two years of an exclusion.

Chairman Kelsch: That was an issue because some of these school districts, like Valley City who has other construction needs, and they may not be able to get their construction done in a year. We wanted to make sure that they had that opportunity to have their monies obligated. After June 30, 2011 it would go back to the way that the law currently reads for ending fund balances. This way they know that they have until June 30, 2011. This is also for the flood control. We do need to add a "C" in here to make sure that it covers that $85 million because it is not covered under the American Recovery and Reinvestment Act of 2009. The "C" would cover the supplemental one-time grants. We want to give them two years to obligate that as well.

Rep. Wall moved the change to add letter C to cover one-time supplemental grants.

Senator Flakoll seconded the motion.

A voice vote was taken. (Vote #6) The motion carried.

Rep. Wall moved amendment 90379.0597 to engrossed HB 1400.

Senator Taylor seconded the motion.

Senator Flakoll: Will you refresh me on subsection 2-A-2?

Chairman Kelsch: Jerry, isn't that the language for the ending fund balance?

Jerry Coleman: That would be part of the calculation. It relates to the US flood dollars that a certain number of districts got for mineral leases. They have gotten US flood dollars under that section of law, but in the past it had been $5-7 thousand. So, the way that it is worded is that we are only taking the net amount that they got for this current year.

A voice vote was taken. Motion carries.

Chairman Kelsch handed out amendment 90379.0595 **(Attachment 7).**

Lt. Gov. Jack Dalrymple: Since there are a number of amendments that have not been widely circulated, would you allow a little time for some of the association directors, DPI, and possibly a couple of commission members to review them for any technical issues that we could quickly correct it overnight, if that is possible?

Chairman Kelsch: Are you serious? If we don't kick it out right now, it will be kicked out tomorrow morning. I would recommend between now and probably 10:00 tomorrow morning that the technical—we caught some today and we were able to get those turned around rather quickly. I will not accept anything other than a technical amendment. We have been working long and hard on this and have gotten it to a point where the eyes on this committee had reviewed them and felt as though they caught everything. I don't want any more of the SATs or stable or other things like that. It will be strictly based on the workings of the new dollars being moved. I am sure Anita will have the hog house ready for us in the morning to vote on.

Anita Thomas: That will be Number 99.

Chairman Kelsch: This amendment adds in the flood control monies into the imputed taxable valuation. I have had this discussion with one person in particular that has not been a huge supporter of imputations and said they should be imputed. They are mineral revenue and it should be in there. Jerry knew it was mineral revenue. However, the mechanism and the way

that they are coded, it could not be used as mineral revenue. As you will recall, the Senate added in mobile home taxes and telecommunications taxes as district revenue.

Senator Tim Flakoll: In a way it would be nice if we could get to some point where we would have almost catchall language that as an example, anything over one half of percent of your operating costs for the year could be imputed or something along those lines so that we don't have any slipups as we move forward on. We are pretty watchful on this section.

Chairman Kelsch: For some of the school districts, some of those flood control monies will be ongoing and will be quite large. It does affect the funding formula.

Rep. Phillip Mueller: The overstrikes, we have already done that?

Chairman Kelsch: That was done when the Senate amendment was added in. The new language is on the second page.

Senator Tim Flakoll: We have obsolete language that had overstrikes if you look at some of that, Rep. Mueller, because we went to 90% minimum equity. That would be what was taken out in Section 24, Subsection 2. Then we have outdated language on the second page, 6B.

Chairman Kelsch: That was all part of the original bill as it was introduced.

Rep. Phillip Mueller: I so move.

Rep. John Wall: Second.

A voice vote was taken. Motion carries.

Chairman Kelsch: I think we are at that point where we are ready for the final motion. I want to thank everyone for their patience. There were a lot of new things in here that needed to get rectified. I can honestly say that I believe a lot of the concerns that were raised by the House in the initial bill have been addressed in this bill. The Senate had addressed some of those, and I believe we have addressed the rest of those as we have sat here as a conference committee. I think it is a much stronger bill now than it was when it was introduced and

certainly will go a long way toward improving education in the state of North Dakota for all students. Anita will prepare the hog house for us. We will reschedule a meeting probably for 10 a.m. tomorrow morning. That will be the time we will finish the bill.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 30, 2009

Recorder Job Number: 12403

Committee Clerk Signature	Carmen Hart

Minutes:

Chairman Kelsch: I want to clear up a couple things first. Senator Taylor, you asked me a question yesterday and I want to make sure that everybody understands. Another good reason why we are putting this money out on the supplemental payments on ADM is that money goes directly to the school districts. They do not have to file for a grant from the Department of Public Instruction. That money goes out on ADM and goes directly to the school districts. They do have to file a report with us, the legislature, to let us know how they spent those monies. The department does not hold that money and then they apply for the grants. That was the way it was under the Title I requirements for those monies. They still do have to go through the approval process for the construction projects over $40,000.

Rep. John Wall: I had a concern if in Section 51 how the money could be used. One thing I am not clear on if it can be used for things like student desks, furniture such as shelving, library computer stations, and things like that. I don't know if it is covered or not.

Chairman Kelsch: I do think that it would be our interpretation that it would be covered under equipment. That is C. It would be covered under there, but it is good that you asked that question to make sure that it is on the record. It is going to take a couple of hours to get those technical corrections done, so we are going to have to reschedule the conference committee.

Lt. Gov. Jack Dalrymple: I could present them to you if you would like.

Chairman Kelsch: We probably need to have those technical corrections in front of us so we can approve those and then approve the final piece. What are the wishes of the committee? Would you like to hear what those technical corrections are at this point before you see them? It was agreed to do so.

Lt. Gov. Jack Dalrymple: In 590 regarding Section 7 on the fourth line of the first two each school district shall acquire Power School. We suggested to Anita Thomas that the phrase through the Information Technology Department be inserted after Power School. Then it would continue to read and use it as its principal student information system. This entire program and the factor and the state subsidy and the state mandate all envision that the Power School programming will be acquired through ITD. 595 looked fine. We assume that the committee is aware on page 2, Paragraph 6 B1, the leasing of lands acquired by the United States for flood control, etc. does involve an initial windfall lease that would be greater than the sort of typical annual lease revenues. There is nothing technically incorrect about that. In 596, the terminology between supplemental operating grants and supplemental one time grants needs to be made throughout because those are two different pots of money. The one time grants are the $85 million. The supplemental operating grants are the $16.7 million. Of course, state aid grants are something entirely different. That is our state school funding formula. On the top of 596, page 1, Line 14, it should read after the third comma insert "supplemental operating grants, not state aid grants." Similarly, under Section 44, Subparagraph 1 on the third line, it should read per student payments and supplemental operating grants, not state aid grants. Under 2A, second line, should read and in the grants—supplemental operations grants line item, not state aid line item. I think Anita Thomas will actually settle on the word operations grants rather than operating. On the back, page 2, regarding Section 50 at the bottom, the title should be corrected to read supplemental

operations grants and again in Line 2 at the end, from the grants—supplemental operations grants line item. This is quite important because one thing we don't want is for the federal government to mistake these distributed payments for state aid. If they did, that would actually be against the rules. Finally the last sentence in Section 50, the superintendent shall forward payments under this section to school districts. We are suggesting that the remainder of that sentence read in nine equal payments beginning in August 2009. The reason is that if it were in fact distributed at the same time and in the same manner as is provided for other state aid payments, it would begin to look drastically like state aid payments which, again, are exactly what we do not want. We want it to be clearly a different form of distribution. There is a small amount of policy there in the nine equal payments. These are operating funds. We do know that they need to go out in year one. However, these are not one time, so it would seem logical that they would be spread throughout the course of the year. Theoretically, you could send them all out in August.

Chairman Kelsch: Technically, they are one time, because they are supplemental payments and we will not do this again.

Lt. Gov. Jack Dalrymple: They are one time in that sense. At the same time they are for salaries and operations and not projects.

Chairman Kelsch: I want to make sure that is clear on the record that we are using these supplemental payments as a one time and yes, it is correct that going forward that $16 million is folded into the foundation aid payments when we make it up in 2011. That is a one time deal that we are sending them out as operational grants based on ADM.

Lt. Gov. Jack Dalrymple: That is correct. Nevertheless, I think there needs to be something there about how that money is to be distributed. That is what we would suggest.

Rep. Phillip Mueller: You talked about nine. Why could it not be one-time payment? It could also differentiate.

Lt. Gov. Jack Dalrymple: It could be. That is not an issue as far as the federal government is concerned.

Chairman Kelsch: How did you settle on the nine? You just did it so they go out one time every month?

Lt. Gov. Jack Dalrymple: Just as you would do essentially with state aid, but without referring to that section of law. We asked Jerry Coleman if that was workable, and Jerry felt that he would just put it on a schedule. It will not be compatible with the software program anyhow, so if you want to hurry it up, I guess you could.

Senator Tim Flakoll: I think there would be some interest in just rolling it. It is $16 million. We could send it out as one.

Lt. Gov. Jack Dalrymple: Correct. You could. The only consideration would be who is earning the interest on the money, you or the school district.

Chairman Kelsch: What you need to understand is that she is drafting these amendments right now and it is going to be another couple of hours before they are done before we can vote on the bill. If that is something you want changed, we have to stop the train right now.

Senator Ryan Taylor: This pertains to this whole verbage issue of how things are referred to. I ask it because it is kind of timely with 1399, the language preservation bill, is up next on our order. We refer in there we want matching dollars on that bill from non state sources. As we went into conference committee, that was suppose to be some of their stimulus dollars. We have eroded a lot of stimulus dollars from those districts right now, and we still want them to help match to do language preservation. Supplemental one time grants as it is referred to, if we have a bill that says that non state sources and we are looking at stimulus money for

matching dollars, is that going to read how we want it to that they can use their supplemental one time grants, and it will be considered non state sources?

Chairman Kelsch: That money would also apply to the Title I monies that are going out to those school districts and also those impact aid dollars. I don't believe there are any strings tied to the impact dollars. They would be able to use that. Because it is related to language, they would be able to use those Title I dollars too. I am positive they would be able to use some of that Title I money for that. They probably could use some of this money as well because you can have Title I enhancement or enrichments.

Lt. Gov. Jack Dalrymple: 596 I assume is going to be made compatible with 598.

Chairman Kelsch: We did make that a note to Anita Thomas yesterday, because we passed 98 out before we passed 96 out. I said there is a difference here. What difference are you talking about?

Lt. Gov. Jack Dalrymple: Looking at 96, it would be under Section 44, B3, for purposes of this section money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money. Then in 98 you had a qualifier clause that said unless the money is distributed through the state school aid formula as provided in Chapter 15.1-27. That exception, of course, is needed because that is exactly what we intend. Therefore, whatever version you come with you need the unless phrase there. I assume Anita would have made that compatible in any case.

Senator Tim Flakoll: Has she been requested to do that?

Lt. Gov. Jack Dalrymple: We gave her that notation. I know your intent is to include the $16 million. Look at 598, page 2, Paragraph 3, third line, it reads unless the money is distributed. That phrase is missing from 596. It needs to be there. We told her that. Looking at 598, Section 3, Line 4 of that paragraph, we suggested to her that the word should now be changed

to will because the superintendent is no longer recommending that these dollars be used to restore deficiencies. The superintendent is in control of that as the state and those dollars will be used for that purpose. It is a notification, not a recommendation. Also in that paragraph we are comparing the 09-10 school year to now the 2005-06 school year, not 08-09. On page 2, Paragraph 2, Subparagraph A5, you see a line that says baseline recalculation grants under Section 49 of this act. That is the Selfridge amendment. You actually create sort of a never ending circle if forever under all circumstances always ask them to pull out the baseline recalculation grant. I think Jerry would prefer that you omit Number 5. He will simply do that in the case of Selfridge as a matter of common sense and not create a situation where he has to go through another accounting adjustment for 07-09. If you force him to calculate it that way, then he has to make another accounting adjustment in 07-09.

Chairman Kelsch: That piece has been in there since the beginning so why now?

Jerry Coleman: That Selfridge adjustment, they are going to be getting $300,000 to make up for this past biennium's understatement. They are also going to be getting made whole on that $300,000 for the new biennium. Those two numbers are going to all be in the same year. If they exclude the $300,000 like we are talking about here, we are not addressing the other half of that adjustment which should be added back into the other biennium when they make their comparisons to figure out what their 70% would be. My suggestion would be that they should just figure that out based on the nature of that amendment when they do their negotiations out there. Otherwise, we have just told them that they have to exclude half of that amount when they should be accounting for the whole amount. It is just one school district.

Senator Tim Flakoll: Is any of that deemed equity money?

Jerry Coleman: No. Selfridge does not get equity money. What happened to them was they were restricted because of an understatement in their baseline, the formula capped them out.

It made them look like they, the maximum was set to a lower amount, and so they didn't get the funding. The purpose of the $300,000 was to restore their regular funding, so it was not equity funding.

Rep. Phillip Mueller: Will Selfridge need direction from the department to deal with this?

Jerry Coleman: Implementation of this 70% language isn't something that the department does. It is just a mechanism in, a directive that they use 70% of their increase in funding and if they don't do that then they have to notify the department that they didn't do that. That is usually just part of that negotiation process out there when they are settling up with their teachers. When they are figuring out and negotiating on this, they just come to an agreement on what they are going to use. The 70% language in many cases really isn't relevant for a lot of school districts.

Lt. Gov. Jack Dalrymple: The only other one was on 597 that you are aware of already is that Section 29, Subparagraph 2, you need an additional C which everyone seems to concur with. Paragraph C would cover also the $85 million in supplemental one time grants. That would be another exception to the unobligated general fund balance penalty, and you brought that up yourself yesterday and everyone concurs that is needed.

Anita Thomas: I am working on an obligated ending fund balance. It is 15.1-27-35.3. I have on one of the documents a line that says covers $85 million supplemental one time grants. I was looking for a little more detailed explanation so that I could put the appropriate wording in.

Chairman Kelsch: Is it on an amendment currently? I think it would probably be somewhat similar were received from the state as supplemental one time grants. It is about as simple as that because it is the $85 million. While you are here we have a little bit of discussion on .0596. You have been told to distribute the monies on nine equal payments. There has been

some discussion about one payment. Committee members, how would you like to do that? Do you want in nine equal payments? You want it in one lump sum payment?

Senator Tim Flakoll: One lump sum payment in September.

Rep. John Wall: That would be my feeling too, one lump sum payment and early.

Senator Tim Flakoll: I would move that the Section 50 which pertains to the approximately $16.7 million would be paid out in one lump sum payment September 1, 2009.

Rep. John Wall: I would second that.

Rep. Phillip Mueller: If they are going to do one of these kinds of projects, it may be that they need the money in total up front and then they can go ahead.

Chairman Kelsch: Will they be responsible judiciaries and make sure that they keep it all year long for their operations?

Doug Johnson, NDCEL: The rationale for the nine payments was those are negotiated __ for salaries so they can be spread out just like you would with a regular __, just this section. When we get to the other section on the $85 million, that goes out differently.

A voice vote was taken. Motion carries.

Lt. Gov. Jack Dalrymple: Under Section 51 of 598 when you get down to Paragraphs 2, 3, and 4 about what the grants may be used for and the distribution and what not, this section is silent on when and how you would like the $85 million distributed. One suggestion would be that the grants would be distributed in four equal payments beginning September 2009. We know that the money is suppose to go out in year one. We know that it is suppose to be available really as soon as the districts want it. On the other hand, as a practical matter when you are talking about construction and renovation, you probably are not going to be able to spend it any faster than in 120 days.

Chairman Kelsch: It would go out September, October, November, and December?

Lt. Gov. Jack Dalrymple: That was kind of the consensus last night. You obviously can do it any way you want.

Chairman Kelsch: Anita is doing nothing about it at this point?

Lt. Gov. Jack Dalrymple: I think she has this phrased upstairs, yes. Four equal payments beginning September 2009. It would be approximately $21 a month for four months. It would all be there by Christmas.

Chairman Kelsch: That is probably fine. Are you okay with that, committee members? Especially when they are getting that $16 million September 1.

Senator Tim Flakoll: The legislative intent on that would be four equal payments starting September 2009 as consecutively monthly payments.

Chairman Kelsch: It would be September 1, October 1, November 1, and December 1. Pam, would you let Anita know that we want that $16 million sent out in one payment, not nine payments, and we will let the record reflect with that one payment that those school districts need to be responsible with that money so it is used, saved, and kept in a safe place for their operations to make sure they can meet payroll. That is extremely important that they have to bank that money. Our final meeting will be at 1:30 and we will pass the bill out.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 30, 2009

Recorder Job Number: 12413

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch: Amendment 90379.0599 was handed out. **(Attachment 1).** We are going to stand at ease. I want you to take as much time as you need to read through to make sure the amendments are correct. I am going to ask the audience to please not talk. The reason we are going to do it this way is that the people that, if we have questions are in the room, so we can ask them questions as they come up as we are walking through here. This is a big bill. We made lots of changes. We need to make sure that all of our changes are reflected and that they are correct.

Chairman Kelsch: Page 2 and 3, Section 4 and 5, do we need both of those sections? Were they somewhat in conflict with each other or are they okay? At the top of page 3 after 2009, should be replaced with must? I know it is down there, but I think it probably should be in both places. Are those two sections in conflict or not?

Anita Thomas: The two shoulds we can replace with must and should do that. The other one in terms of the reference to the federal stimulus dollars and the education stabilization fund dollars, I was asked to put those in. Apparently someone concede to them as two separate issues. I am just not familiar enough with federal stimulus dollars to be able to answer that question.

Chairman Kelsch: We had to put the language in that said restoring funding deficiencies. The first line was going to deal with Title I monies and impact aid monies. That would be Section 4. Section 5 would deal with our stabilization fund monies for those one time supplemental monies. Does it make sense or not? I know Joe has a concern about it.

Joe Morrisette, OMB: Most federal stimulus monies and other lines like Title I come through the REA.

Chairman Kelsch: That is one to think about here. Section 5 does need that should be changed to a must at the top of the page. In Section 15 on page 9, the way it has been written in the past was one half unit of United States government, one half unit of economics, or one unit of problems of democracy for the required offerings. Now it is an and. I know there are some of the school districts that had some problems finding an economics. We had it that way and I don't know if when we decided to clean up those sections if that just kind of got lost in translation or if that is actually what we intended. It has been one half unit of U.S. government and one half unit of economics or one unit of problems of democracy.

Anita Thomas: On page 11, we had looked at the requirements for high school graduation. We paralleled the language off of that and our interpretation of it was one unit of United States history, one half unit of U.S. government, and one half unit of economics, or one unit of problems of democracy. It is not clear whether that is something that schools have to make available and the students get to select or whether the schools get to select which of those they would prefer to offer.

Senator Tim Flakoll: I think in our discussions during the commission, Rep. Monson would, if he was here, make that request to make that an or. He was often times commenting that, to use his words, particularly in small districts that could be a bit of a problem to find someone who could can teach that. I think we would be better off to say or problems of democracy.

Chairman Kelsch: It should say one unit of problems of democracy or one half unit of United States government, and one half unit of economics. Is that correct?

Anita Thomas: You want the language parallel from page 11 then?

Chairman Kelsch: Yes. I want to make sure that you see on page 20, Section 33, 1A that is the reflection of the new per student payment the first year, not including the $16 million supplemental payment. In school construction, Section 43 or Section 53, on page 30, this is the part where we say that if you have received federal dollars for U.S. flood control, navigation, or the ARRA that you must go through the approval process through the department. If you go to page 36 where we talk about the supplemental one time grants, we have always believed that they had to go through the approval process again through DPI. However, I was questioning whether it needed to be stated on page 30, add in the supplemental payments or if it needs to be someplace else? Anita, you had a spot for that?

Anita Thomas: Yes. I would look at page 36, Subsection 2A which says the grants may be used only for improvement, renovation, repair, or modernization of school buildings and facilities, etc. At the end of that we could add the following language: provided the project meet the approval requirements of Section 15.1-36-01. I would also suggest that language be placed after B as well because B provides that the dollars may be used for building additions. I believe it would be appropriate then to also limit that to those that have approval under 15.1-36-01.

Senator Tim Flakoll: Love it.

Chairman Kelsch: I think that is good. I know it was implied. I know that we have it on record several times, but I just want to make sure that it is specific. That was the end of my concerns that I had.

Anita Thomas: Section 41, we had talked about the chairman of the legislative council now being chairman of legislative management. While making the other changes, I can do that as well.

Chairman Kelsch: Correct. I guess while you are making the other changes, you might just as well make that one too.

Senator Ryan Taylor: There are a couple of references on page 27, Subsection B4, too.

Chairman Kelsch: We will make sure we will get those cleaned out. Page 35, do we need to remove Line 5?

Anita Thomas: That has been the recommendation.

Chairman Kelsch: On page 35, Number 5, at the top, the supplemental one time grants.

Jerry Coleman: The reason is that those grants are in the code so we will be redoing them as well.

Senator Tim Flakoll: Page 5, Subsection 7B2, the wording is now is configured to insure that the same coursework or period is not subject to early dismissal more than one time per calendar. The language or period has been added. Does that mean that they can't have the last period of the day?

Anita Thomas: I could be wrong. I thought that was in one of the prior amendments as well. What we were looking at was that if it is seventh period, you don't want to have seventh period removed four times.

Chairman Kelsch: I think that it was course.

Senator Tim Flakoll: I think we were referring to courses, not specific times of the day. We don't want it from 1 to 3.

Chairman Kelsch: It could be 1 to 3. Oh, you don't want it earlier you are saying?

Senator Tim Flakoll: If you are looking at early dismissals that if you look at time periods, you can't early dismissals if you have professional development from 10 to noon.

Chairman Kelsch: That was in .0578. Or period was in that, so if we believe that we shouldn't have or period—I am not sure how they would do that if you always dismissed seventh and eighth period. Reconfigure it? We are doing either remove or period?

Doug Johnson: I would take it out. __

Chairman Kelsch: We would remove or period.

Senator Tim Flakoll: Around page 13, Section 20, I believe the language should be pulled forward from Section 21, Subsection 3, that says a student is not eligible to receive scholarship under Subsection 1 or 2. We had asked earlier that be pulled forward to all of those other categories as we move forward into the next biennium, 2009-11 and beyond.

Anita Thomas: If I am understanding, on page 13 and the 2.6, we inserted a concept in there by saying State Board of Higher Education shall provide to any student certified as being eligible either in North Dakota academic scholarship or a North Dakota career and technical education scholarship.

Senator Tim Flakoll: I know that was a question that higher ed. had asked earlier.

Chairman Kelsch: Either one or the other.

Rep. Phillip Mueller: We don't need it?

Chairman Kelsch: No. I told you that.

Senator Tim Flakoll: On page 24, Section 39, Subsection 1C, is there an amendment? I am trying to cross reference with the amendments we adopted.

Anita Thomas: That would not be an amendment that you referenced. When you amended Section 6 having to do with the school calendar, there was a provision in there for the first year

of the next biennium. That is the reconciliation with the language. Yes, it is the 2011-2012 school year.

Rep. Phillip Mueller: Section 52, there is some duplication having to do with Number 1. This is 70% language. It has increased the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors will begin employment with the district on or after July 1, 2009. Why do we need those last two lines?

Anita Thomas: The first part of that sentence refers to increases to existing teachers. The second part of the sentence says that you could use 70% of new money to pay the salaries of teachers that you hire after July 1, 2009.

Rep. Phillip Mueller: The difference is?

Anita Thomas: If you have an existing teacher at say $50,000 and you want to raise that salary to $60,000, the 70% would be in the discussion. If you are going to hire a new teacher at $30,000, you can use that 70% to pay that $30,000. With the exception of the reference to the counselors and career advisors, that is the language that has been in for several years.

Senator Tim Flakoll: A couple of people asked me about why we did the counselors and career advisors the way we did rather than try to pull them off and do a carve out numerically and say this many dollars we set aside for counselors and career advisors with the dollar amount which is a mess. We felt that they should be eligible for those dollars. In no way it impacts anything else in terms of what they're eligible and what they can do except for the 70% language. It is not any part of their employment agreement or anything else that we are trying to change it all. It is just specific to how the funding formula would play out. To pull them out and put them back in down below—it is bad enough we have $11 hanging out there that people have to remember what it was for.

Chairman Kelsch: That is enough of a carve out.

Rep. John Wall: Our calendar days, 2010-2011, it would go to 181 days. It doesn't add up, but I haven't had time to do the math. It is on page 3.

Chairman Kelsch: 174 days are on hand days, 3 days, 2 days, and 2 days which is the same as what is above with the exception of 174. That adds up to 181. Then you go to 175 contact days, and you add the 3, the 2, the 2.

Senator Tim Flakoll: It is important that we don't double count. There is this day that is part of the 174 days now, but that is attributed to early dismissal for professional development. You can't count as 3 professional development days and 174 days add together. It is 2 professional development days, 174 contact days, plus all the other ones.

Senator Layton Freborg: The amendment we adopted the other day—after visiting a little bit about what an appraisal costs, I believe that we should voice our intent. We don't have to change it. Page 7, maintenance of insurance, I would like the record to show that it is our intent that rather than annually it reads every eight years.

Chairman Kelsch: We want the report filed annually but the appraisal needs to be done every eight years.

Senator Layton Freborg: Every eight years should be very adequate. I don't believe that costs change quite that fast. Even if they changed to some extent, they would be insured for 90% because the required at the appraisal to insure for 100%.

Anita Thomas: If you want the appraisal done only once every eight years, I would recommend that be stated in the code. That is more than just legislative intent. The language is very clear that the appraisal is to be done annually.

Chairman Kelsch: If you are making other changes, you might just as well change that.

Anita Thomas: I am looking at the wording of that. If you are going to have an appraisal only

every eight years, then what is the basis for insuring that you have full coverage every year assuming nothing has changed?

Chairman Kelsch: In case the school district has decided to lapse their insurance. It is an insurance policy to legislature that school districts are keeping up their insurance policy or not reducing it or whatever.

Senator Layton Freborg: It is a lot more reasonable. An appraisal can cost a lot of money depending on who you get to do it. We didn't require any specific person or business to do the appraisal, but if they are going to get a decent appraisal, it is going to cost them some money.

Chairman Kelsch: Excellent.

Anita Thomas: Is that not something that insurance companies would do as opposed to a real estate type of appraisal?

Senator Layton Freborg: It perhaps could. I am sure some insurance companies do, but I am also very certain that other insurance companies don't. If they had people from their company come out and make the appraisal, they would charge them for it unless they insured with them for a period of time.

Anita Thomas: I know my insurance company is only too happy to tell me that my rates have to increase on an annual basis.

Senator Layton Freborg: I think we need an official appraisal rather than an estimate, because it is very easy--for instance, a contractor could stand out in the street and look at the building and say at so many dollars per square foot, this is about what it would cost you. We are talking about the contents. We are talking about everything, the total building.

Anita Thomas: When you would like that appraisal to take place?

Senator Layton Freborg: Perhaps this coming school year.

Senator Ryan Taylor: Could the language be that annually we have these reviews and insuring and what not? Annually, you could verify that appraisal has been performed within the last eight years. I don't know that any of the school districts start off with a brand new appraisal if they are already insuring and have a reasonable appraisal if that is Senator Freborg's concern that it is at least every eight years.

Anita Thomas: I think I understand what Senator Freborg has asked for and I can put that language together.

Chairman Kelsch: We can come in right after floor session and just make sure that the changes are there and we are okay with them and kick the bill out at that time.

The meeting was adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1400

House Education Committee

☒ Check here for Conference Committee

Hearing Date: April 30, 2009

Recorder Job Number: 12425

Committee Clerk Signature Carmen Hart

Minutes:

Chairman Kelsch: I am going to walk you through the changes to make sure they are there. Page 2, we deleted the prior Section 4 regarding the federal stimulus dollars. The old Section 5 became Section 4 and we changed the shoulds to must. Page 5, 7B2, we deleted the reference to a period. Now it says to ensure the same course is not subject to early dismissal. Page 7, here is where the insurance language was reworked. Number 1, it says during the 09-10 school year and at least once every eight years thereafter, each school district shall obtain an appraisal of its buildings and its facilities and an inventory of their contents. Number 2, annually school districts shall review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents and ensure that there are in place policies sufficient to provide in full for the repair or replacement of the buildings, its facilities, and their contents, in the event of a loss. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of this section. Page 9, 1D3, A & B, one unit of problems of democracy or one-half unit of United States government and one-half unit of economics. Page 26, now it is the chairman of legislative management instead of the chairman of legislative council. That follows through to page 27. It is in Number 2, 3, 4, 8, B4, and B5. Page 34, 2A, the reference to the supplemental one time grants was deleted. Section 52, bottom of page 35, 2A & B, that last verbage was added in provided that the

projects meet the approval requirements of Section 15.1-36-01. That is the end of the changes. Just for the record .0548, we must not have used that amendment.

Anita Thomas: That was a very early amendment dealing with the summative assessments.

Chairman Kelsch: We didn't use that one. It was tossed in the garbage.

Anita Thomas: It is officially the 100th amendment and it is in the record.

Chairman Kelsch: It would have been more than that if we would have counted each one of these technical ones individually.

Senator Tim Flakoll: I believe on the Senate side we probably had eight that were drafted by our intern. I think there is an expiration date on some of the language with respect to school construction projects so 2011 if we all get back here, we may want to look at—that expires the move from $25,000 to $40,000—so we may just...

Chairman Kelsch: Yes, we will revisit that when we come back. I will be here. I will put it on my calendar, my to do list for January 5. Senator Freborg will be here also. The two of us will be here. We will make sure we get it done.

Senator Layton Freborg: I move we adopt .0548 to engrossed HB 1400 and preceding that we use the language at the top of page 1.

Rep. John Wall: I will second that.

Chairman Kelsch: Outstanding work. It has been great. Thanks for all the help.

A roll call vote was taken. 6 Yeas, 0 Nays. The vote passes unanimously.

Senator Layton Freborg: I would like to commend you for the way you handled the conference committee, and I would like to commend the conferees. I think we had a great conference committee. We got along just great. We did a lot of work. I think we have a great bill, perhaps one of the best ever passed out.

Chairman Kelsch: I want to thank the Senators also and the House members. We worked really hard on this bill. I have to agree with you. I think this is probably the best product we have ever passed out. It just feels good that we are part of that process. Thanks to all of you, and I would be remiss if I didn't thank the people in the audience who have at times had to be patient with us and to Anita, thank you very much for your hard work on this. I know that your husband is hoping that maybe he can see you tonight although this report has to be ready so that I can have it for the 12:30 session tomorrow.

Senator Tim Flakoll: Is that kind of the flow process, the intent, that it would be ready for the 12:30 session on the House side?

Chairman Kelsch: 6:00 or whatever they are hoping for ...

Senator Tim Flakoll: That takes a little heat off of me.

Chairman Kelsch: That is what they are kind of hoping for right now is that is the process. I think that we let the council staff know that for 1013, and I don't think they should have any problem with that because they are just putting together everything as one amendment. We are hoping that it can be signed and get right to the desk and get on there. We are going to adjourn sine die.

Attachment 9

90379.0561
Title.

Prepared by the Legislative Council staff

April 16, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 11, line 21, after the underscored semicolon insert "and"

Page 11, line 22, remove "Obtains a cumulative grade point of at least "B"; and"

Page 11, line 23, remove "4."

Page 12, line 17, remove "Obtains a cumulative grade point of at least "B";"

Page 12, line 18, remove "4."

Page 12, line 21, replace "5." with "4."

Renumber accordingly

Attachment 3

90379.0566
Title.

Prepared by the Legislative Council staff for
Representative Wall
April 21, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 14, replace lines 5 through 20 with:

"**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in mathematics curriculum.

1. Each unit of high school mathematics must include at least five hundred minutes of instructional time during which fundamentals of personal finance are taught. Each school district shall develop its mathematics curriculum to ensure that, during the course of their high school enrollment, a majority of students are exposed to personal finance concepts, including:

   a. Checkbook mechanics, including writing, balancing, and statement reconciliation;

   b. Saving for larger purchases;

   c. Credit, including credit card usage, interest, and fees;

   d. Earning power, including jobs for teenagers;

   e. Taxation and paycheck withholdings;

   f. College costs;

   g. Making and living within a budget; and

   h. Mortgages, retirement savings, and investments.

2. The requirements of this section may be provided by the regular classroom mathematics teacher."

Renumber accordingly

Attachment 4

90379.0580
Title.

Prepared by the Legislative Council staff

April 24, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, after the third comma insert "15.1-27-35.3,"

Page 25, after line 4, insert:

SECTION 29. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

      (2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in subdivision a; or

   b. Were received by the district during the school year ending June 30, 2009, in accordance with the American Recovery and Reinvestment Act of 2009.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes."

Page 40, line 11, replace "50" with "51"

Renumber accordingly

Attachment 1

90379.0599
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 30, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, three new sections to chapter 15.1-02, two new sections to chapter 15.1-06, two new sections to chapter 15.1-07, a new section to chapter 15.1-09, a new section to chapter 15.1-13, chapter 15.1-18.2, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, and 15.1-21-02.7, seven new sections to chapter 15.1-21, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, student information systems, school district insurance, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-23-03, 15.1-23-17, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-35.3, 15.1-27-41, 15.1-32-18, 15.1-36-01, 15.1-38-01.1, and 57-15-14 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, home education, state aid payments, special education, school construction, English language learners, and school district general fund levies; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an appropriation; to provide a continuing appropriation; to provide for compensation increases; to provide for the distribution of supplemental one-time grants, supplemental operations grants, teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, and contingency payments; to provide for a contingent transfer; to provide for legislative council studies and reports; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Federal stimulus dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by registered mail, that any federal stimulus dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used only for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Education stabilization fund dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by certified mail, that any education stabilization fund dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 must be used first to restore funding deficiencies in the 2009-10 school year when compared to

the 2005-06 school year and that any additional dollars received under the American Recovery and Reinvestment Act of 2009 should be used for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 6. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days~~, apportioned as follows:~~.

   a. One hundred seventy-three ~~full~~ days ~~of~~ must be used for instruction;

   b. Three days must be used for holidays ~~listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and~~, as selected by the school board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two ~~full~~ days ~~during which parent-teacher conferences are held or which are deemed by the school board to be compensatory~~ must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside regular school hours; and

   d. Two days must be used for professional development ~~activities~~.

2. During the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-one days.

   a. One hundred seventy-four days must be used for instruction;

   b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two days must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

   d. Two days must be used for professional development.

3. Beginning with the 2011-12 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days.

   a. One hundred seventy-five days must be used for instruction;

b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

c. Up to two days must be used for:

(1) Parent-teacher conferences; or

(2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

d. Two days must be used for professional development.

4. A day for professional development must consist of:

a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day; or

b. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.

5. If a school district offers a four-hour period of professional development, as permitted in subdivision b of subsection 4, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subsection does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

6. a. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided their attendance is verified.

b. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. ~~For purposes of this section, a "day for professional development activities" means:~~

~~(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or~~

~~(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.~~

~~3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~

~~4.~~ A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

~~5. a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b. Beginning with the 2008-09 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

7. Beginning with the 2010-11 school year, if a school district elects to provide an optional third day of professional development, the school district shall do so by:

a. Meeting the requirements for a day of professional development as set forth in subsection 4; or

b. Shortening four instructional days, for the purpose of providing for two-hour periods of professional development, provided:

(1) Each instructional day on which such professional development occurs includes at least four hours of instruction for kindergarten and elementary students and four and one-half hours for high school students;

(2) The instructional time for each course normally scheduled on that day is reduced proportionately or the daily schedule is reconfigured to ensure that the same course or period is not subject to early dismissal more than one time per school calendar, as a result of this subdivision; and

(3) All teachers having a class dismissed as a result of this subdivision are required to be in attendance and participate in the professional development.

~~6.~~ 8. a. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours,

the school must extend its normal school calendar day by at least thirty minutes.

~~7.~~ b. A school that does not qualify under the provisions of ~~subsection 6~~ this subsection must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

~~8.~~ c. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

9. For purposes of this section, a full day of instruction consists of:

a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 8. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 9. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student

performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 10. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student information system - Statewide coordination. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system.

SECTION 11. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Maintenance of insurance - Report to superintendent of public instruction.

1. Annually, each school district shall:

   a. Obtain an appraisal of its buildings, its facilities, and their contents;

   b. Review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents; and

   c. Ensure that there are in place policies sufficient to provide in full for the repair or replacement of the district's buildings, its facilities, and their contents, in the event of a loss.

2. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of subsection 1.

SECTION 12. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision n of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 13. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the superintendent of public instruction for the purpose of allowing the education standards and practices board to award grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 14. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 15. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts from a sequence that includes literature, composition, and speech;

   b. Four units of mathematics~~;~~, including:

      (1) One unit of algebra II; and

      (2) One unit for which algebra II is a prerequisite;

   c. Four units of science~~;~~, including:

      (1) One unit of physical science; and

      (2) One unit of biology;

   d. Four units of social studies, including ~~one~~:

      (1) One unit of world history ~~and one~~;

      (2) One unit of United States history;

      (3) One unit of problems of democracy;

      (4) One-half unit of United States government; and

      (5) One-half unit of economics;

   e. One-half unit of health;

   f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

   g. Two units of fine arts, at least one of which must be music;

   h. Two units of the same foreign or native American language; ~~and~~

   i. One unit of an advanced placement course or one unit of a dual-credit course; and

   j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

   a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

   b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

   c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

   b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 16. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

   a. One unit of physical science;

   b. One unit of biology; and

   c. (1) One unit of any other science; or

      (2) Two one-half units of any other science;

4. Three units of social studies, including:

   a. One unit of United States history;

   b. (1) One-half unit of United States government and one-half unit of economics; or

      (2) One unit of problems of democracy; and

   c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

   b. One-half unit of physical education and one-half unit of health;

6. Three units of:

   a. Foreign languages;

   b. Native American languages;

   c. Fine arts; or

   d. Career and technical education courses; and

7. Any five additional units.

SECTION 17. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

   b. One-half unit of physical education and one-half unit of health;

6. Two units of:

   a. Foreign languages;

   b. Native American languages;

   c. Fine arts; or

   d. Career and technical education courses; and

7. Any seven additional units.

SECTION 18. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 19. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction;

4. Receives a composite score of at least twenty-four on an ACT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 20. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 21. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections.

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

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;

   d. Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;

   e. Beginning after the conclusion of the 2009-10 school calendar, science provided to students enrolled in any grade from five through eight; and

   f. Beginning after the conclusion of the 2009-10 school calendar, social studies provided to students enrolled in any grade from five through eight; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

SECTION 23. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 24. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career Interest Inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 25. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district of residence is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

4. If the superintendent of public instruction determines that the cost of the summative assessment and its administration can be reduced through use of a state procurement process, the superintendent shall work with the school districts to procure and arrange for the administration of the assessment and shall withhold each district's share of the total cost from any state aid otherwise payable to the district.

SECTION 26. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The school district in which the student resides at the time the student takes the summative

assessment is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment.

SECTION 27. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in curriculum.

1. Beginning July 1, 2010, each school district shall ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:

   a. Checkbook mechanics, including writing checks, balancing, and statement reconciliation;

   b. Saving for larger purchases;

   c. Credit, including credit card usage, interest, and fees;

   d. Earning power, including jobs for teenagers;

   e. Taxation and paycheck withholdings;

   f. College costs;

   g. Making and living within a budget; and

   h. Mortgages, retirement savings, and investments.

2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

SECTION 28. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Required reading of historical documents. Before a student is deemed to have successfully completed either United States government or problems of democracy, as required by section 15.1-21-02.1, the student's school district shall ensure that the student has read the Declaration of Independence, the United States Constitution, and the Bill of Rights.

SECTION 29. AMENDMENT. Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-03. Home education - Parental qualifications. A parent may supervise home education if the parent:

1. ~~Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;~~

~~2.~~ Holds a ~~baccalaureate degree~~ high school diploma or a general educational development diploma;

~~3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test;~~ or

~~4.~~ 2. Meets the requirements of section 15.1-23-06.

SECTION 30. AMENDMENT. Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-17. Home education - High school diplomas.

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

SECTION 31. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l. 0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

o. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 32. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

   f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   ~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   ~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   ~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

   ~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

   k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

   ~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

   ~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

   m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public

instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

~~l.~~ n. ~~0.02~~ 0.025 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];

o. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

p. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 33. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand two hundred ~~fifty~~ dollars.

b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 34. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

a. Adding together all state aid received by the district during the 2006-07 school year;

b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 35. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per~~

~~student and the district's average imputed taxable valuation per student; and~~

~~(2) Multiplying that difference by the district's total average daily membership.~~

~~b.~~ ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

   b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

   c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

   a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

   b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's~~

~~general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, revenue from payments in lieu of taxes from electricity generated from sources other than coal, and revenue received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 36. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 37. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 38. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 22 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 22 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 39. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

   ~~a.~~ (1) The school district's calendar; or

   ~~b.~~ (2) One hundred eighty.

   b. During the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

      (1) The school district's calendar; or

      (2) One hundred eighty-one.

   c. Beginning with the 2011-12 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

      (1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

   a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   b. The two days set aside for professional development activities under section 15.1-06-04; and

   c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

   a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   b. ~~During the 2007-08 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 40. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by

the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

(2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in paragraph 1;

b. Were received directly by the district from the United States government in accordance with the American Recovery and Reinvestment Act of 2009; or

c. Were received by the district as supplemental one-time grants under section 53 of this Act.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes, if such was a permitted use.

SECTION 41. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

(2) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than one thousand students in average daily membership and has not served on the commission for more than one interim;

(3) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership and has not served on the commission for more than one interim;

(4) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership and has not served on the commission for more than one interim;

(5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

~~(6)~~ The chairman of the senate education committee or the chairman's designee;

~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is or has served as the president of a private four-year institution of higher education, appointed by the chairman of the legislative council;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three nominees submitted by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~

legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

   a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

   b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

   c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

   d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 42. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 43. AMENDMENT. Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-01. School construction projects - Approval.

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of ~~twenty-five~~ forty thousand dollars.

2. The superintendent of public instruction may not approve a project unless the school district proposing the project:

   a. Demonstrates the need for the project~~,~~ and the educational utility of the project~~, and the ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project~~ or demonstrates potential utilization of the project by a future reorganized school district; and

   b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.

3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:

      (1) The need for the project;

      (2) The educational utility of the project;

      (3) ~~The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;~~

      ~~(4)~~ The potential use of the project by a future reorganized school district;

      ~~(5)~~ (4) The capacity of the district to pay for the project; and

      ~~(6)~~ (5) Any other objective factors relative to the appeal.

b. The decision of the state board is final.

4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.

5. This section is applicable to any construction, purchase, repair, improvement, renovation, or modernization, even if the school board pays for the project in whole or in part with moneys received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 or in accordance with moneys received under the American Recovery and Reinvestment Act of 2009.

6. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district.

SECTION 44. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

   b. The superintendent of public instruction, or the superintendent's designee;

   c. The state health officer, or the officer's designee;

   d. The director of the department of human services, or the director's designee;

   e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

   f. The commissioner of higher education, or the commissioner's designee;

   g. The chairman of the senate education committee, or the chairman's designee;

   h. The chairman of the house of representatives education committee, or the chairman's designee; and

   i. The following gubernatorial appointees:

      (1) The superintendent of a school district having at least one thousand students in average daily membership;

      (2) The superintendent of a school district having fewer than one thousand students in average daily membership;

      (3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program;

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 45. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 46. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 47. AMENDMENT. Section 15.1-38-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-38-01.1. English language learner - Definition. English language learner means a student who:

1. Is at least five years of age but has not reached the age of ~~twenty-two~~ twenty-one before August first of the year of enrollment;
2. Is enrolled in a school district in this state;
3. Has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test.

SECTION 48. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus ~~eighteen~~ twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
   a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
   b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the

school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.

3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 49. APPROPRIATION - TEACHER SUPPORT SYSTEM PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a grant to the education standards and practices board for a teacher support system program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The education standards and practices board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

      (2) If a school district is not in need of mentors for its first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of the district's non-first-year teachers and through research-validated interventions and the use of proven instructional methods help the district's non-first-year teachers address their particular needs.

2. The education standards and practices board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

3. The education standards and practices board may provide services under this section only to teachers employed by school districts and not to teachers employed by any other entity.

SECTION 50. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 51. APPROPRIATION - CONTINUING EDUCATION GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing continuing education grants, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The superintendent shall award grants in amounts up to $1,200 to eligible recipients in chronological order, based on the date of an individual's application. An eligible recipient must:

   a. (1) Be licensed to teach by the education standards and practices board;

      (2) Have taught in this state during each of the last three school years; and

      (3) Be enrolled at an institution under the control of the state board of higher education in either a master of education program in educational leadership or a program leading to a specialist diploma in educational leadership;

   b. Be pursuing the requirements for a certificate in career development facilitation; or

   c. Be pursuing a school counselor credential.

2. If any of the amount appropriated under this section remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as additional per student payments on a prorated basis, according to the latest available average daily membership of each school district.

SECTION 52. USE OF NEW MONEY - COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments and supplemental operations grants to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item and in the grants - supplemental

operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

(1) Equity payments under section 15.1-27-11;

(2) Payments to school districts participating in regional education associations under section 15.1-27-03.1;

(3) Grants to school districts for reorganization planning under section 56 of this Act;

(4) Grants to regional education associations under section 57 of this Act;

(5) Supplemental one-time grants under section 53 of this Act; and

(6) Eleven dollars and fifty-eight cents per weighted student unit;

b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

(1) Equity payments under section 15.1-27-11; and

(2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money unless the money is distributed through the state school aid formula as provided in chapter 15.1-27.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district.

SECTION 53. SUPPLEMENTAL ONE-TIME GRANTS - REPORT TO LEGISLATIVE COUNCIL.

1. The superintendent of public instruction may expend up to $85,644,337 from the grants - one-time supplemental payments line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing, during the biennium beginning July 1, 2009, and ending June 30, 2011, one-time supplemental payments to school districts on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall divide the amount due each school district under this section into four payments of approximately equal size and shall forward each payment on a monthly basis, beginning September 1, 2009.

2. Grants distributed under this section may be used only for:

   a. The improvement, renovation, repair, or modernization of school buildings and facilities, including deferred maintenance; weatherization; heating, ventilation, and cooling projects; asbestos removal and abatement; security improvements; and laboratory improvements;

   b. Building additions, provided the additions do not exceed twenty-five percent of the square footage of the building to which they are to be attached;

   c. Equipment, including technological equipment, career and technical education equipment, vehicles for instructional purposes, and vehicles for student transportation;

   d. Textbooks, instructional materials, and library media materials;

   e. Title I expenditures; or

   f. Professional development for teachers and administrators.

3. Grants distributed under this section may not be used for any other purpose, including temporary property tax reductions, principal payments on outstanding debts, construction of new buildings, hiring of new personnel, or compensation increases.

4. Grants distributed under this section do not constitute new money for purposes of increased compensation under section 52 of this Act.

5. Any school district receiving a grant under this section shall file a report with the superintendent of public instruction, at the time and in the manner directed by the superintendent. The report must include a description of all expenditures, obligations, or other commitments made as a result of receiving a grant under this section. The superintendent shall compile the information and present it to the legislative council.

SECTION 54. SUPPLEMENTAL OPERATIONS GRANTS. The superintendent of public instruction may expend up to $16,795,584 from the grants - supplemental operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing during the first year of the biennium beginning July 1, 2009, and ending June 30, 2011, a supplemental grant to each school district on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall forward payment under this section to each school district on or before September 1, 2009.

SECTION 55. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

   a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more passengers;

   b. Forty-four cents per mile for vehicles having a capacity of nine or fewer passengers; and

   c. Twenty-four cents per student for each one-way trip.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 56. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 57. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 58. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section

15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 59. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school

districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 60. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 61. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 62. LEGISLATIVE COUNCIL STUDY - SCHOOL APPROVAL AND ACCREDITATION. During the 2009-10 interim, the legislative council shall consider studying statutory criteria for the approval of public and nonpublic schools, regulatory criteria for the accreditation of schools, and the consequences to schools and school districts that fail to meet the criteria. In addition, the study must include a review of statutory sections that place specific requirements on school districts and the consequences to school districts that fail to abide by the requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 63. LEGISLATIVE COUNCIL STUDY - WEATHER-RELATED SCHOOL CANCELLATIONS. During the 2009-10 interim, the legislative council shall consider studying the cancellation of school and early dismissal as a result of severe weather or other emergency conditions. The study must include parameters for

determining whether to dismiss school early or cancel school for the entire day, statutory requirements for making up lost instructional time, issues related to personnel contracts, issues related to the school calendar and the payment of state aid, and gubernatorial authority to waive statutory rescheduling requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 64. LEGISLATIVE COUNCIL STUDY - DISPLACEMENT OF STUDENTS - NATURAL OR MANMADE CAUSES. During the 2009-10 interim, the legislative council shall consider studying longer term elementary and high school closings and student transfers necessitated by the occurrence of widespread or severe damage as a result of any natural or manmade cause, including fire, flood, tornado, storm, chemical spill, and epidemic. The study should address the coordination of plans to accommodate displaced students, examine responsibility for payment obligations to districts that are not able to provide services, examine responsibility for compensating districts that have accepted displaced students, and specifically examine the expenses incurred by school districts that provided services to displaced students during the 2009 floods. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 65. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 66. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 67. EFFECTIVE DATE.

1. Section 48 of this Act is effective for taxable years beginning after December 31, 2008.

2. Sections 16 and 17 of this Act become effective on July 1, 2010.

3. Section 66 of this Act becomes effective on December 31, 2010.

4. Section 32 of this Act becomes effective on July 1, 2011.

SECTION 68. EXPIRATION DATE. Sections 40 and 43 of this Act are effective through June 30, 2011, and after that date are ineffective. Section 29 of this Act is effective through July 31, 2011, and after that date is ineffective.

SECTION 69. EMERGENCY. Sections 40 and 59 of this Act are declared to be an emergency measure."

Renumber accordingly

Attachment 1

90379.0547
Title.

Prepared by the Legislative Council staff

April 6, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages ____ of the House Journal and pages ____ of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 8, replace lines 14 through 31 with:

"**SECTION 9. AMENDMENT.** Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts from a sequence that includes literature, composition, and speech;

   b. Four units of mathematics~~;~~, including:

      (1) One unit of algebra II; and

      (2) One unit for which algebra II is a prerequisite;

   c. Four units of science~~;~~, including:

      (1) One unit of physical science; and

      (2) One unit of biology;

   d. Four units of social studies, including ~~one~~:

      (1) One unit of world history ~~and one~~;

      (2) One unit of United States history;

      (3) One unit of problems of democracy;

      (4) One-half unit of United States government; and

      (5) One-half unit of economics;

   e. One-half unit of health;

   f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

   g. Two units of fine arts, at least one of which must be music;

   h. Two units of the same foreign or native American language; ~~and~~

i. One unit of an advanced placement course or one unit of a dual-credit course; and

j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction."

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. J. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Voice vote on amendment 90379.0547 motion carries

MOTION MADE BY: Senator Flakoll

SECONDED BY: Senator Freborg

VOTE COUNT ___ **YES** ___ **NO** ___ **ABSENT**

Revised 4/1/05

Attachment 2

90379.0549
Title.

Prepared by the Legislative Council staff

April 6, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages ____ of the House Journal and pages ____ of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 14, replace lines 21 through 31 with:

"**SECTION 16.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-10 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Mathematics provided to students enrolled in any grade from five through eight;

   d. Reading provided to students enrolled in any grade from five through eight;

   e. Science provided to students enrolled in any grade from five through eight; and

   f. Social studies provided to students enrolled in any grade from five through eight; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction."

Page 15, remove lines 1 through 9

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J. Wall		
Senator R. Taylor			Rep. A. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment Voice vote to accept amendment

MOTION MADE BY: Senator Flakoll 90379.0549

SECONDED BY: Rep. Wall motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 3

90379.0550
Title.

Prepared by the Legislative Council staff

April 7, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages _____ of the House Journal and pages _____ of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 15, replace lines 21 through 31 with:

"**SECTION 19.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district of residence is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

4. If the superintendent of public instruction determines that the cost of the summative assessment and its administration can be reduced through use of a state procurement process, the superintendent shall work with the school districts to procure and arrange for the administration of the assessment and shall withhold each district's share of the total cost from any state aid otherwise payable to the district."

Page 16, remove lines 1 through 4

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Voice vote to accept amendment 90379.0550

MOTION MADE BY: Rep. Mueller

SECONDED BY: Senator Taylor

VOTE COUNT ___ YES ___ NO ___ ABSENT motion carries

Revised 4/1/05

Attachment 5

90379.0556
Title.

Prepared by the Legislative Council staff

April 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 16, replace lines 5 through 17 with:

"**SECTION 20.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT, the SAT, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The school district in which the student resides at the time the student takes the summative assessment is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment."

Renumber accordingly

4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 **(, as (re)engrossed):** **Date:** 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO		**For the House:**	YES	NO
Senator L. Freborg				Chm. Kelsch		
Senator T. Flakoll				Rep. J. Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ **--** _____

____, and place _____ **on the Seventh order.**

____, adopt (further) amendments as follows, and place _____ **on the Seventh order:**

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ **was placed on the Seventh order of business on the calendar.**

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment Voice vote to accept amendment 40379.0556 motion carries

MOTION MADE BY: Senator Flakoll

SECONDED BY: Senator Freborg

VOTE COUNT ___ **YES** ___ **NO** ___ **ABSENT**

Revised 4/1/05

Attachment 6

90379.0562
Title.

Prepared by the Legislative Council staff

April 16, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 35, replace lines 19 through 30 with:

"**SECTION 45. TRANSPORTATION GRANTS - DISTRIBUTION.**

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

   a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more passengers;

   b. Forty-four cents per mile for vehicles having a capacity of nine or fewer passengers; and

   c. Twenty-four cents per student for each one-way trip."

Renumber accordingly

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg	✓		Chm Kelsch	✓	
Senator T. Flakoll	✓		Rep J Wall	✓	
Senator R. Taylor	✓		Rep. D. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment vote to accept amendment

MOTION MADE BY: Senator Taylor 90379.0562

SECONDED BY: Rep Mueller

VOTE COUNT 6 **YES** 0 **NO** 0 **ABSENT**

Revised 4/1/05

Attachment 7

90379.0564
Title.

Prepared by the Legislative Council staff

April 20, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 18, after line 8, insert:

"**SECTION 22. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   f. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   g. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   h. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

   i. 0.20 the number of full-time equivalent students enrolled in a new immigrant English language learner program;

   j. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

   ~~j.~~ k. ~~0.14~~ 0.10 the number of full-time equivalent students, other than those provided for in subdivision i, who are enrolled in ~~a new immigrant~~ an English language learner program;

   ~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l.~~ m. ~~0.02~~ 0.025 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership, which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership."

Page 40, replace lines 9 and 10 with:

"**SECTION 55. EFFECTIVE DATE.** Section 10 of this Act becomes effective on July 1, 2010. Section 22 of this Act becomes effective on July 1, 2011."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment Voice vote to accept amendment

MOTION MADE BY: Senator Flakoll

SECONDED BY: Senator Freborg

90379.0564 motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 8

90379.0565
Title.

Prepared by the Legislative Council staff

April 20, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, remove "and" and after "15.1-37-01" insert ", and 57-15-14"

Page 1, line 11, remove "and"

Page 1, line 12, after "education" insert ", and school district general fund mill levies"

Page 33, after line 2, insert:

"**SECTION 40. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus ~~eighteen~~ twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:

   a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.

   b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.

2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.

3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

Page 40, replace lines 9 and 10 with:

"**SECTION 55. EFFECTIVE DATE.** Section 10 of this Act becomes effective on July 1, 2010. Section 40 of this Act is effective for taxable years beginning after December 31, 2008."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#7

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-20-09

Your Conference Committee Education

For the Senate:	YES	NO	For the House:	YES	NO
Sen Freborg	✓		Chm. Kelsch	✓	
Sen LaRoll	✓		Rep Wall	✓	
Sen Taylor		✓	Rep Mueller		✓

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	vote to accept amendment

90379.0565

MOTION MADE BY: Senator LaRoll

SECONDED BY: Rep. Wall

VOTE COUNT 4 YES 2 NO 0 ABSENT

Revised 4/1/05

Attachment 1

90379.0554
Title.

Prepared by the Legislative Council staff for
Representative Wall
April 13, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 15, after the second semicolon insert "to provide for a legislative council study;"

Page 40, after line 6, insert:

"**SECTION 53. LEGISLATIVE COUNCIL STUDY - WEATHER-RELATED SCHOOL CANCELLATIONS.** During the 2009-10 interim, the legislative council shall consider studying the cancellation of school and early dismissal as a result of severe weather or other emergency conditions. The study must include parameters for determining whether to dismiss school early or cancel school for the entire day, statutory requirements for making up lost instructional time, issues related to personnel contracts, issues related to the school calendar and the payment of state aid, and gubernatorial authority to waive statutory rescheduling requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 **(, as (re)engrossed):** **Date:** 4-20-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ **–** _____

____, **and place** _____ **on the Seventh order.**

____, **adopt (further) amendments as follows, and place** _____ **on the Seventh order:**

____, **having been unable to agree, recommends that the committee be discharged and a new committee be appointed.**

((Re)Engrossed) _____ **was placed on the Seventh order of business on the calendar.**

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0554 amendment accepted

MOTION MADE BY: Rep Wall

SECONDED BY: Senator Flakoll

voice vote motion carries

VOTE COUNT ___ **YES** ___ **NO** ___ **ABSENT**

Revised 4/1/05

Attachment 2

90379.0553
Title.

Prepared by the Legislative Council staff

April 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 14, replace lines 5 through 20 with:

"**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Required reading of historical documents. Before a student is deemed to have successfully completed either United States government or problems of democracy, as required by section 15.1-21-02.1, the student's school district shall ensure that the student has read the Declaration of Independence, the United States Constitution, and the Bill of Rights."

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 **(, as (re)engrossed):** **Date:** 4-20-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ **on the Seventh order.**

____, adopt (further) amendments as follows, and place _____ **on the Seventh order:**

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ **was placed on the Seventh order of business on the calendar.**

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90379.0553 amendment accepted

MOTION MADE BY: Rep Wall Voice vote motion carries

SECONDED BY: Rep Mueller

VOTE COUNT ___ **YES** ___ **NO** ___ **ABSENT**

Revised 4/1/05

Attachment 4

90379.0567
Title.

Prepared by the Legislative Council staff

April 21, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 25, replace lines 5 through 31 with:

"**SECTION 29. AMENDMENT.** Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

   a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

   (2) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than one thousand students in average daily membership and has not served on the commission for more than one interim;

   (3) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership and has not served on the commission for more than one interim;

   (4) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership and has not served on the commission for more than one interim;

   (5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

   ~~(6)~~ The chairman of the senate education committee or the chairman's designee;

   ~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

   ~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is the president of a private four-year institution of higher education, appointed by the chairman of the legislative council;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three nominees submitted by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding

responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council."

Page 26, remove lines 1 through 31

Page 27, remove lines 1 through 16

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1402 (, as (re)engrossed): Date: 4-22-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90379.0566 ~~amendment~~ Change

MOTION MADE BY: Sen Flakoll to amendment

SECONDED BY: Sen. Freborg Voice vote motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

#4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-22-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. Wall		
Senator R. Taylor			Rep. P. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0567 amendment accepted

MOTION MADE BY: Sen Flakoll

SECONDED BY: Sen Freborg

Voice Vote Motion Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 4

90379.0555
Title.

Prepared by the Legislative Council staff

April 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 15, after the second semicolon insert "to provide for a legislative council study;"

Page 40, after line 8, insert:

"**SECTION 54. LEGISLATIVE COUNCIL STUDY - SCHOOL APPROVAL AND ACCREDITATION.** During the 2009-10 interim, the legislative council shall consider studying statutory criteria for the approval of public and nonpublic schools, regulatory criteria for the accreditation of schools, and the consequences to schools and school districts that fail to meet the criteria. In addition, the study must include a review of statutory sections that place specific requirements on school districts and the consequences to school districts that fail to abide by the requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-22-09

Your Conference Committee House Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90399.0555 amendment adopted

MOTION MADE BY: Senator Flakoll

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Revised 4/1/05

Attachment 2

90379.0571
Title.

Prepared by the Legislative Council staff

April 22, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 25, replace lines 5 through 31 with:

"**SECTION 29. AMENDMENT.** Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

   a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

   (2) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than one thousand students in average daily membership and has not served on the commission for more than one interim;

   (3) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having ~~more than two hundred twenty but fewer than~~ one thousand or fewer students in average daily membership and has not served on the commission for more than one interim;

   (4) One individual, appointed by the ~~governor, who~~ chairman of the legislative council from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a nonpublic high school ~~district having fewer than two hundred twenty students in average daily membership~~;

   (5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

   ~~(6)~~ The chairman of the senate education committee or the chairman's designee;

   ~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

   ~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative council; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is or has served as the president of a private four-year institution of higher education, appointed by the chairman of the legislative council;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative council from a list of three nominees submitted by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding

responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council."

Page 26, remove lines 1 through 31

Page 27, remove lines 1 through 16

Renumber accordingly

1

1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-22-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg		✓	Chm Kelsch		✓
Senator T. Flakoll		✓	Rep Wall		✓
Senator R. Taylor		✓	Rep. A. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Concept of 90379.0571

MOTION MADE BY: Rep Mueller

SECONDED BY: Senator Taylor

VOTE COUNT 1 YES 5 NO ___ ABSENT

Failed

Revised 4/1/05

Attachment 3

90379.0570
Title.

Prepared by the Legislative Council staff

April 22, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 3, remove "and" and after the fifth comma insert "15.1-21-02.6, and 15.1-21-02.7,"

Page 11, replace lines 6 through 31 with:

"**SECTION 11.** Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 12. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all

requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B";

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 13. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any eligible student a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 14. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student obtains a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student obtains:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections."

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 9

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-22-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0570

MOTION MADE BY: Senator Flakoll

SECONDED BY: Rep. Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

motion carries to accept this amendment

Revised 4/1/05

Attachment 2

90379.0574
Title.

Prepared by the Legislative Council staff for
Representative Wall
April 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 14, replace lines 5 through 20 with:

"**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in curriculum.

1. Each school district shall ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:

   a. Checkbook mechanics, including writing checks, balancing, and statement reconciliation;

   b. Saving for larger purchases;

   c. Credit, including credit card usage, interest, and fees;

   d. Earning power, including jobs for teenagers;

   e. Taxation and paycheck withholdings;

   f. College costs;

   g. Making and living within a budget; and

   h. Mortgages, retirement savings, and investments.

2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated."

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB00 (, as (re)engrossed): Date: 4-24-09

Your Conference Committee House Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept 90379.0574

MOTION MADE BY: Rep Wall

SECONDED BY: Rep Mueller

Voice vote motion Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 1

90379.0563
Title.

Prepared by the Legislative Council staff

April 20, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, remove "and" and after "15.1-37-01" insert ", and 15.1-38-01.1"

Page 1, line 11, after the fourth comma insert "English language learners,"

Page 33, after line 2, insert:

"**SECTION 40. AMENDMENT.** Section 15.1-38-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-38-01.1. English language learner - Definition. English language learner means a student who:

1. Is at least five years of age but has not reached the age of ~~twenty-two~~ twenty-one before August first of the year of enrollment;

2. Is enrolled in a school district in this state;

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

4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB 400 (, as (re)engrossed): Date: 4-24-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0563 Voice vote to accept

MOTION MADE BY: Rep Wall

SECONDED BY: Rep Mueller

motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 2

90379.0573
Title.

Prepared by the Legislative Council staff

April 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 34, replace lines 16 through 31 with:

"SECTION 44. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11;

      (2) Payments to school districts participating in regional education associations under section 21 of this Act;

      (3) Grants to school districts for reorganization planning under section 46 of this Act;

      (4) Grants to regional education associations under section 47 of this Act;

      (5) Baseline recalculation grants under section 48 of this Act; and

      (6) Four dollars and fifty-eight cents per weighted student unit;

   b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11; and

      (2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

   c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

   b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

   c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council."

Page 35, remove lines 1 through 18

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB 400 (, as (re)engrossed): Date: 4-24-09

Your Conference Committee House Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm. Kelsch		
Senator T. Flakoll				Rep. J. Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0573

MOTION MADE BY: Senator Flakoll

SECONDED BY: Senator Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote to accept motion carries

Revised 4/1/05

Attachment 4

90379.0575
Title.

Prepared by the Legislative Council staff

April 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 3, remove "and" and after the fifth comma insert "15.1-21-02.6, and 15.1-21-02.7,"

Page 11, replace lines 6 through 31 with:

"**SECTION 11.** Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 12. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to

receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction;

4. Receives a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 13. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 14. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:

   a. A composite score of at least twenty-four on an ACT;

   b. A score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT; or

   c. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections."

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 9

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-24-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0575

MOTION MADE BY: Sen Flakoll

SECONDED BY: Sen Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Revised 4/1/05

Attachment 1

90379.0587
Title.

Prepared by the Legislative Council staff for
Senator Taylor
April 27, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 2, after the second comma insert "a new section to chapter 15.1-13,"

Page 1, line 18, after the second semicolon insert "to provide a continuing appropriation;"

Page 7, after line 12, insert:

"**SECTION 8.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the superintendent of public instruction for the purpose of allowing the education standards and practices board to award grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	accept
Statement of purpose of amendment	90379.0587

MOTION MADE BY: Sen Taylor

SECONDED BY: Rep Mueller

Voice vote motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 6

90379.0585
Title.

Prepared by the Legislative Council staff

April 25, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 34, replace lines 16 through 31 with:

"SECTION 44. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11;

      (2) Payments to school districts participating in regional education associations under section 21 of this Act;

      (3) Grants to school districts for reorganization planning under section 46 of this Act;

      (4) Grants to regional education associations under section 47 of this Act;

      (5) Baseline recalculation grants under section 48 of this Act; and

      (6) Four dollars and fifty-eight cents per weighted student unit;

   b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11; and

      (2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

   c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

   b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

   c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district."

Page 35, remove lines 1 through 18

Renumber accordingly

2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 **(, as (re)engrossed):** **Date:** 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ **–** _____

____, and place _____ **on the Seventh order.**

____, adopt (further) amendments as follows, and place _____ **on the Seventh order:**

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ **was placed on the Seventh order of business on the calendar.**

DATE: _____
CARRIER: _____

LC NO.	**of amendment**
LC NO.	**of engrossment**
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0585

MOTION MADE BY: Sen Flakoll

SECONDED BY: Rep Wall

Voice vote motion carries

VOTE COUNT ___ **YES** ___ **NO** ___ **ABSENT**

Revised 4/1/05

Attachment 2

90379.0579
Title.

Prepared by the Legislative Council staff

April 24, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 33, replace line 15 through 31 with:

"**SECTION 41. APPROPRIATION - TEACHER SUPPORT SYSTEM PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a grant to the education standards and practices board for a teacher support system program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The education standards and practices board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

      (2) If a school district is not in need of mentors for its first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of the district's non-first-year teachers and through research-validated interventions and the use of proven instructional methods help the district's non-first-year teachers address their particular needs.

2. The education standards and practices board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

3. The education standards and practices board may provide services under this section only to teachers employed by school districts and not to teachers employed by any other entity.

SECTION 42. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 34, remove lines 1 through 10

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment to accept 90379.0579

MOTION MADE BY: Rep Wall

SECONDED BY: Senator Taylor

Voice Vote motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 3

90379.0581
Title.

#2 roll call vote

Prepared by the Legislative Council staff

April 25, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, after the fifth comma insert "15.1-36-01,"

Page 1, line 11, after the fourth comma insert "school construction approval,"

Page 28, after line 17, insert:

"**SECTION 31. AMENDMENT.** Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-01. School construction projects - Approval.

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of twenty-five thousand dollars.

2. The superintendent of public instruction may not approve a project unless the school district proposing the project:

   a. Demonstrates the need for the project, the educational utility of the project, and the ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project or demonstrates potential utilization of the project by a future reorganized school district; and

   b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.

3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:

      (1) The need for the project;

      (2) The educational utility of the project;

      (3) The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;

      (4) The potential use of the project by a future reorganized school district;

(5) The capacity of the district to pay for the project; and

(6) Any other objective factors relative to the appeal.

b. The decision of the state board is final.

4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.

5. This section is applicable to any construction, purchase, repair, improvement, renovation, or modernization, even if the school board pays for the project in whole or in part with moneys received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 or in accordance with moneys received under the American Recovery and Reinvestment Act of 2009.

6. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district."

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment accept 90379.0581

MOTION MADE BY: Rep. Mueller

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Revised 4/1/05

Attachment 5

90379.0582
Title.

#3 roll call vote

Prepared by the Legislative Council staff

April 25, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 14, replace lines 21 through 31 with:

"**SECTION 16.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

   b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

   c. Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;

   d. Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;

   e. Beginning after the conclusion of the 2009-10 school calendar, science provided to students enrolled in any grade from five through eight; and

   f. Beginning after the conclusion of the 2009-10 school calendar, social studies provided to students enrolled in any grade from five through eight; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction."

Page 15, remove lines 1 through 9

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. A. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment except 70379.0582

MOTION MADE BY: Rep Wall

SECONDED BY: Sen Taylor

Voice vote
Motion
Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 7

90379.0578
Title.

#4 roll call vote

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 24, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 2, replace lines 21 through 29 with:

"**SECTION 3. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days~~, apportioned as follows:~~.

   a. One hundred seventy-three ~~full~~ days ~~of~~ must be used for instruction;

   b. Three days must be used for holidays ~~listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and~~, as selected by the school board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two ~~full~~ days ~~during which parent-teacher conferences are held or which are deemed by the school board to be compensatory~~ must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside regular school hours; and

   d. Two days must be used for professional development ~~activities~~.

2. During the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-one days.

   a. One hundred seventy-four days must be used for instruction;

   b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two days must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

   d. Two days must be used for professional development.

3. Beginning with the 2011-12 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days.

   a. One hundred seventy-five days must be used for instruction;

   b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two days must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

   d. Two days must be used for professional development.

4. A day for professional development must consist of:

   a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day; or

   b. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.

5. If a school district offers a four-hour period of professional development, as permitted in subdivision b of subsection 4, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subsection does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

6. a. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided their attendance is verified.

   b. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

   c. ~~For purposes of this section, a "day for professional development activities" means:~~

      ~~(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or~~

      ~~(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.~~

~~3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The~~

~~provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~

~~4.~~ A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

~~5.~~ ~~a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b. Beginning with the 2008-09 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

7. Beginning with the 2010-11 school year, if a school district elects to provide an optional third day of professional development, the school district may do so by shortening four instructional days, for the purpose of providing four two-hour periods of professional development.

a. Each instructional day on which such professional development occurs must include at least four hours of instruction for kindergarten and elementary students and four and one-half hours for high school students.

b. The instructional time for each course normally scheduled on that day must be reduced proportionately or the daily schedule must be reconfigured to ensure that the same course or period is not subject to early dismissal more than one time per school calendar, as a result of this subdivision.

c. All teachers having a class dismissed as a result of this subdivision must be in attendance and participate in the professional development.

~~6.~~ 8. a. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours,

the school must extend its normal school calendar day by at least thirty minutes.

~~7.~~ b. A school that does not qualify under the provisions of ~~subsection 6~~ this subsection must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

~~8.~~ c. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

9. For purposes of this section, a full day of instruction consists of:

a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction."

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 26

Renumber accordingly

#4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Changes to amendment 90379.0578

MOTION MADE BY: Sen Flakoll

SECONDED BY: Rep Wall

Voice Vote motion Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-27-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment accept 90379.0578 as ~~amended~~ amended

MOTION MADE BY: Rep Mueller

SECONDED BY: Sen Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote motion Carries

Revised 4/1/05

Attachment 1

90379.0589
Title.

Prepared by the Legislative Council staff

April 27, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 15, after the second semicolon insert "to provide for a legislative council study;"

Page 40, after line 6, insert:

"**SECTION 53. LEGISLATIVE COUNCIL STUDY - DISPLACEMENT OF STUDENTS - NATURAL OR MANMADE CAUSES.** During the 2009-10 interim, the legislative council shall consider studying longer term elementary and high school closings and student transfers necessitated by the occurrence of widespread or severe damage as a result of any natural or manmade cause, including fire, flood, tornado, storm, chemical spill, and epidemic. The study should address the coordination of plans to accommodate displaced students, examine responsibility for payment obligations to districts that are not able to provide services, examine responsibility for compensating districts that have accepted displaced students, and specifically examine the expenses incurred by school districts that provided services to displaced students during the 2009 floods. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept 90379.0589

MOTION MADE BY: Senator Flakoll voice vote motion carries

SECONDED BY: Senator Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 2

90379.0588
Title.

Prepared by the Legislative Council staff for
Senator Freborg
April 27, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 2, after the second comma insert "a new section to chapter 15.1-09,"

Page 1, line 6, after the first comma insert "insurance requirements,"

Page 6, after line 26, insert:

"**SECTION 7.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Maintenance of insurance - Report to superintendent of public instruction.

1. Annually, each school district shall:

   a. Obtain an appraisal of its buildings, its facilities, and their contents;

   b. Review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents; and

   c. Ensure that there are in place policies sufficient to provide in full for the repair or replacement of the district's buildings, its facilities, and their contents, in the event of a loss.

2. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of subsection 1."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB 400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. J. Wall		
Senator R. Taylor			Rep. A. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept 90379.0588

MOTION MADE BY: Senator Freborg

SECONDED BY: Senator Flakoll

VOTE COUNT ___ YES ___ NO ___ ABSENT

voice vote motion carries

Revised 4/1/05

Attachment 3

90379.0559
Title.

Prepared by the Legislative Council staff for
Representative Mueller
April 16, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 8, after the fourth comma insert "15.1-23-03,"

Page 1, line 11, after the second comma insert "parental qualifications for the supervision of home education,"

Page 16, after line 17, insert:

"**SECTION 21. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-03. Home education - Parental qualifications. A parent may supervise home education if the parent:

1. ~~Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;~~

~~2.~~ Holds a ~~baccalaureate degree~~ high school diploma or a general educational development diploma;

~~3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test;~~ or

~~4.~~ 2. Meets the requirements of section 15.1-23-06."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number HB 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep. J. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Amend 90379.0559 to reflect sunset with expiring date July 31, 2011

MOTION MADE BY: Rep. Mueller

SECONDED BY: Sen. Flakoll

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote motion carries

Revised 4/1/05

#4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept amended 90379.0559

MOTION MADE BY: Rep Mueller

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Revised 4/1/05

Attachment 4

90379.0557
Title.

Prepared by the Legislative Council staff for
Representative Mueller
April 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 8, after the fourth comma insert "15.1-23-17,"

Page 1, line 11, after the second comma insert "high school diplomas,"

Page 16, after line 17, insert:

"**SECTION 21. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-17. Home education - High school diplomas.

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation."

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept 90379.0557

MOTION MADE BY: Rep. Mueller

SECONDED BY: Senator Taylor

VOTE COUNT ___ YES ___ NO ___ ABSENT

voice vote motion carries

Revised 4/1/05

Attachment 5

90379.0552
Title.

Prepared by the Legislative Council staff for
Representative Mueller
April 10, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 7, after "sections" insert "15.1-02-09,"

Page 1, line 8, after the second comma insert "15.1-20-02,"

Page 1, line 10, after "to" insert "home education,"

Page 2, after line 20, insert:

"**SECTION 3. AMENDMENT.** Section 15.1-02-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-09. School district finance facts report - Contents. The superintendent of public instruction shall submit an annual report on the financial condition of school districts to the governor, legislative council, and the secretary of state by the end of February. The secretary of state shall transmit the report to the state archivist for official and public use. The report must include:

1. The number of school districts in the state.
2. The financial condition of each school district, including its receipts and expenditures.
3. The value of all property owned or controlled by each school district.
4. The cost of education in each school district.
5. The number of teachers employed by each school district and their salaries.
6. The number of students in average daily membership, in weighted average daily membership, and in average daily attendance, in each school district, the grades in which the students are enrolled, and, when applicable, the courses in which the students are enrolled.
7. Information regarding the state's approved nonpublic schools.
8. Information regarding children receiving home education, including the number of children:
   a. Being educated by a parent having a baccalaureate degree.
   b. Being educated by a parent having only a high school diploma or a general educational development diploma.
   c. Being monitored in accordance with section 15.1-23-06.

d. At each grade level.

e. Enrolled in public school courses and a breakdown of the courses by content area.

f. Enrolled in extracurricular activities through a school district or a nonpublic school and a breakdown of the activities by content area.

9. Other statistical data on public education in the state."

Page 8, after line 13, insert:

"**SECTION 10. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-02. Compulsory attendance - Exceptions.

1. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:

   a. The child is in attendance for the same length of time at an approved nonpublic school;

   b. The child has completed high school;

   c. The child is necessary to the support of the child's family;

   d. A multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or

   e. The child is receiving home education, as evidenced by having a current statement on file with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's school district of residence, as required by section 15.1-23-02.

2. A decision by the board of a school district under subsection 1 is appealable to the district court."

Page 23, line 17, replace "16" with "18"

Page 23, line 20, replace "16" with "18"

Page 40, line 9, replace "10" with "12"

Page 40, line 11, replace "50" with "52"

Renumber accordingly

#6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: ~~#~~ 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg		✓	Chm Kelsch	✓	
Senator T. Flakoll		✓	Rep Wall	✓	
Senator R. Taylor	✓		Rep. D. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0552

MOTION MADE BY: Rep Mueller

SECONDED BY: Sen Flakoll

VOTE COUNT 4 YES 2 NO ___ ABSENT

motion fails

Revised 4/1/05

#7

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	Change to 10574 2009-2011 ef.

MOTION MADE BY: Rep Wall

SECONDED BY: Rep Mueller

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote motion Carries

Revised 4/1/05

Attachment B

90379.0584
Title.

Prepared by the Legislative Council staff

April 25, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 34, after line 15, insert:

"**SECTION 44. APPROPRIATION - CONTINUING EDUCATION GRANTS.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing continuing education grants, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The superintendent shall award grants in amounts up to $1,200 to eligible recipients in chronological order, based on the date of an individual's application. An eligible recipient must:

   a. Be licensed to teach by the education standards and practices board;

   b. Have taught in this state during each of the last three school years; and

   c. Be enrolled at an institution under the control of the state board of higher education in either a master of education program in educational leadership or a program leading to a specialist diploma in educational leadership.

2. If any of the amount appropriated under this section remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as additional per student payments on a prorated basis, according to the latest available average daily membership of each school district."

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#8

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-28-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm K. Kelsch		
Senator T. Flakoll			Rep J. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	accept 90379.0584

MOTION MADE BY: Sen Flakoll

SECONDED BY: Sen Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion Carries

Revised 4/1/05

Attachment 1

90379.0592
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 28, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 3, remove "and" and after the fifth comma insert "15.1-21-02.6, and 15.1-21-02.7,"

Page 11, replace lines 6 through 31 with:

"**SECTION 11.** Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 12. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

b. Completes one additional unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

c. Completes:

(1) Two units of the same foreign or native American language;

(2) One unit of fine arts or career and technical education; and

(3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction;

4. Receives a composite score of at least twenty-four on an ACT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 13. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 14. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT or a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections."

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 9

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment ~~remove changes to 903~~ 79.0592

MOTION MADE BY: Rep Wall

SECONDED BY: Rep Mueller

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Change page 3, subsection 1 to delete reference to SAT

Revised 4/1/05

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90.379.0592 Fiscal Note

MOTION MADE BY: Senator Flakoll

SECONDED BY: Sen Freborg

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

students are not eligible to receive both Fiscal Note

Voice Vote motion Carries

Pages provided in sections 11 & 12

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90379.0592 as amended to HB 1409

MOTION MADE BY: Rep Wall

SECONDED BY: Sen Taylor

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote - motion Carries

Revised 4/1/05

Attachment 2

90379.0591
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 28, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, after the fifth comma insert "15.1-36-01,"

Page 1, line 11, after the fourth comma insert "school construction approval,"

Page 1, line 19, after the semicolon insert "to provide an expiration date;"

Page 28, after line 17, insert:

"**SECTION 31. AMENDMENT.** Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-01. School construction projects - Approval.

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of twenty-five thousand dollars. forty

2. The superintendent of public instruction may not approve a project unless the school district proposing the project:

   a. Demonstrates the need for the project, and the educational utility of the project~~, and the ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project~~ or demonstrates potential utilization of the project by a future reorganized school district; and

   b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.

3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:

      (1) The need for the project;

      (2) The educational utility of the project;

      (3) ~~The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;~~

~~(4)~~ The potential use of the project by a future reorganized school district;

~~(5)~~ (4) The capacity of the district to pay for the project; and

~~(6)~~ (5) Any other objective factors relative to the appeal.

b. The decision of the state board is final.

4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.

5. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district."

Page 40, after line 10, insert:

"**SECTION 55. EXPIRATION DATE.** Section 31 is effective through June 30, 2011, and after that date is ineffective."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment change to 40903.0597 $25,000 to 40,000

MOTION MADE BY: Sen T Flakoll

SECONDED BY: Sen Taylor

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote motion carries

Revised 4/1/05

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm Kelsch		
Senator T. Flakoll			Rep J. Wall		
Senator R. Taylor			Rep. A. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0591 as amended

MOTION MADE BY: Sen Freborg

SECONDED BY: Sen Flakoll

Voice vote motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 3

90379.0558
Title.

Prepared by the Legislative Council staff for
Representative Mueller
April 15, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 8, after the first comma insert "15.1-09-58,"

Page 6, after line 26, insert:

"**SECTION 7. AMENDMENT.** Section 15.1-09-58 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-58. ~~Prekindergarten~~ Early childhood education program - Authorization - Support. The board of a school district may establish ~~a~~ ~~prekindergarten~~ an approved early childhood education program, expend locally generated revenues to support the program, and may receive and expend any state moneys specifically appropriated for the program, any federal ~~funds~~ moneys specifically appropriated or approved for the program, and any gifts, grants, and donations specifically given for the program."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg		✓	Chm Kelsch	✓	
Senator T. Flakoll		✓	Rep J. Wall	✓	
Senator R. Taylor	✓		Rep. D. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment except 90379.0558 title

MOTION MADE BY: Rep Mueller

SECONDED BY: Sen Taylor

VOTE COUNT 4 YES 2 NO 0 ABSENT

motion fails

Revised 4/1/05

#6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg		✓	Chm Kelsch	✓	
Senator T. Flakoll		✓	Rep J. Wall	✓	
Senator R. Taylor	✓		Rep. D. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	except 10379.0558 title

MOTION MADE BY: Rep Mueller

SECONDED BY: Sen Taylor

motion fails

VOTE COUNT 4 YES 2 NO 0 ABSENT

Revised 4/1/05

Attachment 2

90379.0586
Title.

Prepared by the Legislative Council staff

April 27, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 7, line 2, replace "o" with "n"

Page 16, replace lines 18 through 30 with:

"**SECTION 21. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

   f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   ~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   ~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   ~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

   ~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l. 0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

o. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 22. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

   f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

~~l.~~ n. ~~0.02~~ 0.025 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];

o. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

p. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership."

Page 17, remove lines 1 through 30

Page 18, remove lines 1 through 8

Page 40, line 10, after the period insert "Section 22 of this Act becomes effective July 1, 2011."

Page 40, line 11, replace "50" with "51"

Renumber accordingly

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg			Chm. Kelsch		
Senator T. Flakoll			Rep. J. Wall		
Senator R. Taylor			Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	As per 90379.0586

MOTION MADE BY: Sen Flakoll

SECONDED BY: Sen Freborg

Voice Vote motion carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

Attachment 3

90379.0590
Title.

Prepared by the Legislative Council staff

April 28, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 2, replace "a new section" with "two new sections"

Page 6, after line 26, insert:

"**SECTION 7.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student information system - Statewide coordination. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool and use it as its principal student information system."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#2

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0590

MOTION MADE BY: Sen Flakoll

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote Motion Carries

Revised 4/1/05

Attachment 4

90379.0598
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 29, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 1, after the comma insert "a new section to chapter 15.1-02,"

Page 1, line 6, after the first comma insert "education stabilization fund dollars,"

Page 1, line 14, after the third comma insert "supplemental one-time grants,"

Page 2, after line 20, insert:

"**SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Education stabilization fund dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by certified mail, that any education stabilization fund dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 should be used first to restore funding deficiencies in the 2009-10 school year when compared to the 2008-09 school year and that any additional dollars received under the American Recovery and Reinvestment Act of 2009 should be used for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district."

Page 23, line 17, replace "16" with "17"

Page 23, line 20, replace "16" with "17"

Page 34, replace lines 16 through 31 with:

"SECTION 45. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to

teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11;

      (2) Payments to school districts participating in regional education associations under section 22 of this Act;

      (3) Grants to school districts for reorganization planning under section 47 of this Act;

      (4) Grants to regional education associations under section 48 of this Act;

      (5) Baseline recalculation grants under section 49 of this Act;

      (6) Supplemental one-time grants under section 51 of this Act; and

      (7) Eleven dollars and fifty-eight cents per weighted student unit;

   b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11; and

      (2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

   c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money unless the money is distributed through the state school aid formula as provided in chapter 15.1-27.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district."

Page 35, remove lines 1 through 18

Page 38, after line 7, insert:

"SECTION 51. SUPPLEMENTAL ONE-TIME GRANTS - REPORT TO LEGISLATIVE COUNCIL.

1. The superintendent of public instruction may expend up to $85,644,337 from the grants - one-time supplemental payments line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing, during the biennium beginning July 1, 2009, and ending June 30, 2011, one-time supplemental payments to school districts on a prorated basis, according to the latest available average daily membership of each school district.

2. Grants distributed under this section may be used only for:

   a. The improvement, renovation, repair, or modernization of school buildings and facilities, including deferred maintenance; weatherization; heating, ventilation, and cooling projects; asbestos removal and abatement; security improvements; and laboratory improvements;

   b. Building additions, provided the additions do not exceed twenty-five percent of the square footage of the building to which they are to be attached;

   c. Equipment, including technological equipment, career and technical education equipment, vehicles for instructional purposes, and vehicles for student transportation;

   d. Textbooks, instructional materials, and library media materials;

   e. Title I expenditures; or

   f. Professional development for teachers and administrators.

3. Grants distributed under this section may not be used for any other purpose, including temporary property tax reductions, principal payments on outstanding debts, construction of new buildings, hiring of new personnel, or compensation increases.

4. Grants distributed under this section do not constitute new money for purposes of increased compensation under section 45 of this Act.

5. Any school district receiving a grant under this section shall file a report with the superintendent of public instruction, at the time and in the manner directed by the superintendent. The report must include a description of all expenditures, obligations, or other commitments made as a result of receiving a grant under this section. The superintendent shall compile the information and present it to the legislative council."

Page 40, line 9, replace "10" with "11"

Page 40, line 11, replace "50" with "52 of this Act"

Renumber accordingly

#3

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO	For the House:	YES	NO
Senator L. Freborg	✓		Chm Kelsch	✓	
Senator T. Flakoll	✓		Rep Wall	✓	
Senator R. Taylor		✓	Rep. D. Mueller		✓

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90379.0598

MOTION MADE BY: Sen Freborg

SECONDED BY: Rep Wall

VOTE COUNT 4 YES 2 NO 0 ABSENT

Passes

Revised 4/1/05

Attachment 5

90379.0596
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 29, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 14, after the third comma insert "supplemental state aid grants,"

Page 34, replace lines 16 through 31 with:

"SECTION 44. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments and supplemental state aid grants to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item and in the grants - supplemental state aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11;

      (2) Payments to school districts participating in regional education associations under section 21 of this Act;

      (3) Grants to school districts for reorganization planning under section 46 of this Act;

      (4) Grants to regional education associations under section 47 of this Act;

      (5) Baseline recalculation grants under section 48 of this Act; and

      (6) Four dollars and fifty-eight cents per weighted student unit;

   b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11; and

(2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district."

Page 35, remove lines 1 through 18

Page 38, after line 7, insert:

"**SECTION 50. SUPPLEMENTAL STATE AID GRANTS.** The superintendent of public instruction may expend up to $16,795,584 from the grants - supplemental state aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing during the first year of the biennium beginning July 1, 2009, and ending June 30, 2011, supplemental per student payments to school districts on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall forward payments under this section to school districts at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0596

MOTION MADE BY: Sen Flakoll

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote motion Carries

Revised 4/1/05

Attachment C

90379.0597
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 29, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 9, after the third comma insert "15.1-27-35.3,"

Page 1, line 19, after the semicolon insert "to provide an expiration date;"

Page 25, after line 4, insert:

"**SECTION 29. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

   (2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in paragraph 1; or

   b. Were received by the district in accordance with the American Recovery and Reinvestment Act of 2009.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes."

Page 40, after line 10, insert:

"**SECTION 56. EXPIRATION DATE.** Section 29 of this Act is effective through June 30, 2011, and after that date is ineffective."

Page 40, line 11, replace "50" with "51 of this Act"

Renumber accordingly

#5

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm. Kelsch		
Senator T. Flakoll				Rep. Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	amended 90379.0597

MOTION MADE BY: Rep Wall

SECONDED BY: Sen Taylor

Voice Vote motion Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

#6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0597 to add Sup. one time grant

MOTION MADE BY: Rep. Wall

SECONDED BY: Sen Flakoll

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice vote motion carries

Revised 4/1/05

Attachment 7

90379.0595
Title.

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 29, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 20, replace lines 3 through 30 with:

"**SECTION 24. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

   a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

   b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   ~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   ~~(2) Multiplying that difference by the district's total average daily membership.~~

   ~~b.~~ ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   ~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

   ~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, revenue from payments in lieu of taxes from electricity generated from sources other than coal, and revenue received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility."

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 14

Renumber accordingly

#7

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-29-09

Your Conference Committee ~~House~~ Education

For the Senate:	YES	NO		For the House:	YES	NO
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment 90379.0595 Voice vote

MOTION MADE BY: Rep Mueller

SECONDED BY: Rep Wall

motion Carries

VOTE COUNT ___ YES ___ NO ___ ABSENT

Revised 4/1/05

#1

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (, as (re)engrossed): Date: 4-30-09

Your Conference Committee ~~and~~ House Education ~~appointed~~

For the Senate:	YES / NO			For the House:	YES / NO	
Senator L. Freborg				Chm Kelsch		
Senator T. Flakoll				Rep Wall		
Senator R. Taylor				Rep. D. Mueller		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	.0596 one lump Sum Payment

MOTION MADE BY: Sen Flakoll

SECONDED BY: Rep Wall

VOTE COUNT ___ YES ___ NO ___ ABSENT

Voice Vote
Motion Carries

Revised 4/1/05

90379.0548
Title.0900

Prepared by the Legislative Council staff for
Representative R. Kelsch
April 30, 2009

VR
4/30/09
1840

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, two new sections to chapter 15.1-07, a new section to chapter 15.1-09, a new section to chapter 15.1-13, chapter 15.1-18.2, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, and 15.1-21-02.7, seven new sections to chapter 15.1-21, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, student information systems, school district insurance, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-23-03, 15.1-23-17, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-35.3, 15.1-27-41, 15.1-32-18, 15.1-36-01, 15.1-38-01.1, and 57-15-14 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, home education, state aid payments, special education, school construction, English language learners, and school district general fund levies; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an appropriation; to provide a continuing appropriation; to provide for compensation increases; to provide for the distribution of supplemental one-time grants, supplemental operations grants, teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, and contingency payments; to provide for a contingent transfer; to provide for legislative council studies and reports; to provide an effective date; to provide an expiration date; and to declare an emergency.

Final amendments in here 3 pkg binder

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Education stabilization fund dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by certified mail, that any education stabilization fund dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 must be used first to restore funding deficiencies in the 2009-10 school year when compared to the 2005-06 school year and that any additional dollars received under the American Recovery and Reinvestment Act of 2009 must be used for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days~~, apportioned as follows:~~.

a. One hundred seventy-three ~~full~~ days ~~of~~ must be used for instruction;

b. Three days must be used for holidays ~~listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and~~, as selected by the school board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

c. Up to two ~~full~~ days ~~during which parent-teacher conferences are held or which are deemed by the school board to be compensatory~~ must be used for:

(1) Parent-teacher conferences; or

(2) Compensatory time for parent-teacher conferences held outside regular school hours; and

d. Two days must be used for professional development ~~activities~~.

2. During the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-one days.

a. One hundred seventy-four days must be used for instruction;

b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

c. Up to two days must be used for:

(1) Parent-teacher conferences; or

(2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

d. Two days must be used for professional development.

3. Beginning with the 2011-12 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days.

a. One hundred seventy-five days must be used for instruction;

b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

c. Up to two days must be used for:

(1) Parent-teacher conferences; or

(2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

d. Two days must be used for professional development.

4. A day for professional development must consist of:

a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day; or

b. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.

5. If a school district offers a four-hour period of professional development, as permitted in subdivision b of subsection 4, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subsection does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

6. a. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided their attendance is verified.

b. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

c. ~~For purposes of this section, a "day for professional development activities" means:~~

~~(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or~~

~~(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.~~

~~3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~

~~4.~~ A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

~~5. a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b. Beginning with the 2008-09 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

7. Beginning with the 2010-11 school year, if a school district elects to provide an optional third day of professional development, the school district shall do so by:

a. Meeting the requirements for a day of professional development as set forth in subsection 4; or

b. Shortening four instructional days, for the purpose of providing for two-hour periods of professional development, provided:

(1) Each instructional day on which such professional development occurs includes at least four hours of instruction for kindergarten and elementary students and four and one-half hours for high school students;

(2) The instructional time for each course normally scheduled on that day is reduced proportionately or the daily schedule is reconfigured to ensure that the same course is not subject to early dismissal more than one time per school calendar, as a result of this subdivision; and

(3) All teachers having a class dismissed as a result of this subdivision are required to be in attendance and participate in the professional development.

~~6.~~ 8. a. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

~~7.~~ b. A school that does not qualify under the provisions of ~~subsection 6~~ this subsection must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

~~8.~~ c. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

9. For purposes of this section, a full day of instruction consists of:

a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student information system - Statewide coordination. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system.

SECTION 10. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Maintenance of insurance - Report to superintendent of public instruction.

1. During the 2009-10 school year and at least once every eight years thereafter, each school district shall obtain an appraisal of its buildings and its facilities, and an inventory of their contents.

2. Annually, each school district shall review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents and ensure that there are in place policies sufficient to provide in full for the repair or replacement of the buildings, its facilities, and their contents, in the event of a loss.

3. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of this section.

SECTION 11. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid ~~that~~ which is payable by the superintendent under subdivision n of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 12. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the superintendent of public instruction for the purpose of allowing the education standards and practices board to award grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 13. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

   d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 14. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts from a sequence that includes literature, composition, and speech;

   b. Four units of mathematics~~;~~, including:

      (1) One unit of algebra II; and

(2) One unit for which algebra II is a prerequisite;

c. Four units of science~~;~~, including:

(1) One unit of physical science; and

(2) One unit of biology;

d. Four units of social studies, including ~~one~~:

(1) One unit of world history ~~and one~~;

(2) One unit of United States history; and

(3) (a) One unit of problems of democracy; or

(b) One-half unit of United States government and one-half unit of economics;

e. One-half unit of health;

f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

g. Two units of fine arts, at least one of which must be music;

h. Two units of the same foreign or native American language; ~~and~~

i. One unit of an advanced placement course or one unit of a dual-credit course; and

j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video,

computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

   a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

   b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 15. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. ~~Before~~ Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed ~~at least twenty-one~~ the following twenty-two units of high school coursework ~~from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four~~:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

   a. One unit of physical science;

   b. One unit of biology; and

   c. (1) One unit of any other science; or

      (2) Two one-half units of any other science;

4. Three units of social studies, including:

   a. One unit of United States history;

   b. (1) One-half unit of United States government and one-half unit of economics; or

      (2) One unit of problems of democracy; and

c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Three units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any five additional units.

SECTION 16. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Two units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any seven additional units.

SECTION 17. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 18. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction;

4. Receives a composite score of at least twenty-four on an ACT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 19. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 20. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:

   a. A composite score of at least twenty-four on an ACT; or

b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections.

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

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

c. Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;

d. Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;

e. Beginning after the conclusion of the 2009-10 school calendar, science provided to students enrolled in any grade from five through eight; and

f. Beginning after the conclusion of the 2009-10 school calendar, social studies provided to students enrolled in any grade from five through eight; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

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

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 23. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career Interest Inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 24. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district of residence is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

4. If the superintendent of public instruction determines that the cost of the summative assessment and its administration can be reduced through use of a state procurement process, the superintendent shall work with the school districts to procure and arrange for the administration of the assessment and shall withhold each district's share of the total cost from any state aid otherwise payable to the district.

SECTION 25. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The school district in which the student resides at the time the student takes the summative assessment is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment.

SECTION 26. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in curriculum.

1. Beginning July 1, 2010, each school district shall ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:

   a. Checkbook mechanics, including writing checks, balancing, and statement reconciliation;

   b. Saving for larger purchases;

   c. Credit, including credit card usage, interest, and fees;

d. Earning power, including jobs for teenagers;

e. Taxation and paycheck withholdings;

f. College costs;

g. Making and living within a budget; and

h. Mortgages, retirement savings, and investments.

2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

SECTION 27. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Required reading of historical documents. Before a student is deemed to have successfully completed either United States government or problems of democracy, as required by section 15.1-21-02.1, the student's school district shall ensure that the student has read the Declaration of Independence, the United States Constitution, and the Bill of Rights.

SECTION 28. AMENDMENT. Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-03. Home education - Parental qualifications. A parent may supervise home education if the parent:

1. ~~Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;~~

2. ~~2.~~ Holds a ~~baccalaureate degree~~ high school diploma or a general educational development diploma;

3. ~~3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test;~~ or

4. ~~4.~~ 2. Meets the requirements of section 15.1-23-06.

SECTION 29. AMENDMENT. Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-17. Home education - High school diplomas.

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the

objectives were met, and a transcript of the child's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

SECTION 30. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

   f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   ~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   ~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   ~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

~~l. 0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

o. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 31. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

~~f.~~ g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

~~g.~~ h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

~~h.~~ i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

~~i.~~ j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

~~j. 0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

~~k.~~ l. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; ~~and~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

~~l.~~ n. ~~0.02~~ 0.025 the number of ~~full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~ students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];

o. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

p. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 32. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand two hundred ~~fifty~~ dollars.

b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand ~~three~~ seven hundred ~~twenty-five~~ seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 33. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

   a. Adding together all state aid received by the district during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~three and one-half~~ eight percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the ~~2007-08~~ 2009-10 school year, is at least equal to one hundred ~~six~~ twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred ~~seven~~ twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

   b. ~~Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.~~ The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed,

for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 34. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

   a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

   b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. ~~a. If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   ~~(1) Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   ~~(2) Multiplying that difference by the district's total average daily membership.~~

   ~~b.~~ ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   ~~(1)~~ a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

   ~~(2)~~ b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund ~~mill~~ levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund ~~mill~~ levy for the taxable year 2008.

   b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund ~~mill~~ levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the

district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus ~~an amount determined by dividing sixty percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an~~:

(1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, revenue from payments in lieu of taxes from electricity generated from sources other than coal, and revenue received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 by the district's general fund mill levy; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 35. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 36. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 37. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course ~~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~~ meets the requirements of section 21 of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 21 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 38. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. ~~Average~~ During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is

absent during a school calendar, and then dividing the sum by the greater of:

~~a.~~ (1) The school district's calendar; or

~~b.~~ (2) One hundred eighty.

b. During the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-one.

c. Beginning with the 2011-12 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

   a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

   b. The two days set aside for professional development activities under section 15.1-06-04; and

   c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

   a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

   b. ~~During the 2007-08 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a~~ A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 39. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

   (2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in paragraph 1;

   b. Were received directly by the district from the United States government in accordance with the American Recovery and Reinvestment Act of 2009; or

   c. Were received by the district as supplemental one-time grants under section 52 of this Act.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes, if such was a permitted use.

SECTION 40. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

(2) One individual, appointed by the ~~governor, who~~ chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than one thousand students in average daily membership and has not served on the commission for more than one interim;

(3) One individual, appointed by the ~~governor, who~~ chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership and has not served on the commission for more than one interim;

(4) One individual, appointed by the ~~governor, who~~ chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership and has not served on the commission for more than one interim;

(5) ~~One individual, appointed by the governor, who is employed as a school district business manager;~~

~~(6)~~ The chairman of the senate education committee or the chairman's designee;

~~(7)~~ (6) The chairman of the house education committee or the chairman's designee;

~~(8)~~ (7) The senate minority leader or the leader's designee;

~~(9)~~ (8) One legislator appointed by the chairman of the legislative ~~council~~ management; ~~and~~

~~(10)~~ (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One ~~nonvoting member~~ individual representing the North Dakota council of educational leaders~~, one nonvoting member~~;

(2) One individual representing the North Dakota education association~~, and one nonvoting member~~;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is or has served as the president of a private four-year institution of higher education, appointed by the chairman of the legislative management;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative management from a list of three nominees submitted by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in ~~section 3 of Senate Bill No. 2013~~ the appropriation bill for the superintendent of public instruction, as approved by the ~~sixtieth~~ legislative assembly, to provide the compensation and reimbursements.

4. The commission shall ~~examine~~:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 41. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four ~~and one-half~~ times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four ~~and one-half~~ times the state average cost of education per student.

SECTION 42. AMENDMENT. Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-01. School construction projects - Approval.

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of ~~twenty-five~~ forty thousand dollars.

2. The superintendent of public instruction may not approve a project unless the school district proposing the project:

   a. Demonstrates the need for the project~~,~~ and the educational utility of the project~~, and the ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project~~ or demonstrates potential utilization of the project by a future reorganized school district; and

   b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.

3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:

      (1) The need for the project;

      (2) The educational utility of the project;

      (3) ~~The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;~~

      ~~(4)~~ The potential use of the project by a future reorganized school district;

      ~~(5)~~ (4) The capacity of the district to pay for the project; and

      ~~(6)~~ (5) Any other objective factors relative to the appeal.

   b. The decision of the state board is final.

4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.

5. This section is applicable to any construction, purchase, repair, improvement, renovation, or modernization, even if the school board pays for the project in whole or in part with moneys received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 or in accordance with moneys received under the American Recovery and Reinvestment Act of 2009.

6. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district.

SECTION 43. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

   a. A chairman appointed by the governor;

b. The superintendent of public instruction, or the superintendent's designee;

c. The state health officer, or the officer's designee;

d. The director of the department of human services, or the director's designee;

e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

f. The commissioner of higher education, or the commissioner's designee;

g. The chairman of the senate education committee, or the chairman's designee;

h. The chairman of the house of representatives education committee, or the chairman's designee; and

i. The following gubernatorial appointees:

(1) The superintendent of a school district having at least one thousand students in average daily membership;

(2) The superintendent of a school district having fewer than one thousand students in average daily membership;

(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program;

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 44. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 45. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 46. AMENDMENT. Section 15.1-38-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-38-01.1. English language learner - Definition. English language learner means a student who:

1. Is at least five years of age but has not reached the age of ~~twenty-two~~ twenty-one before August first of the year of enrollment;

2. Is enrolled in a school district in this state;

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

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

SECTION 47. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus ~~eighteen~~ twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:

   a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.

   b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.

2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.

3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 48. APPROPRIATION - TEACHER SUPPORT SYSTEM PROGRAM. There is appropriated out of any moneys in the general fund in the state

treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a grant to the education standards and practices board for a teacher support system program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The education standards and practices board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

   (2) If a school district is not in need of mentors for its first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of the district's non-first-year teachers and through research-validated interventions and the use of proven instructional methods help the district's non-first-year teachers address their particular needs.

2. The education standards and practices board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

3. The education standards and practices board may provide services under this section only to teachers employed by school districts and not to teachers employed by any other entity.

SECTION 49. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 50. APPROPRIATION - CONTINUING EDUCATION GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing continuing education grants, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The superintendent shall award grants in amounts up to $1,200 to eligible recipients in chronological order, based on the date of an individual's application. An eligible recipient must:

   a. (1) Be licensed to teach by the education standards and practices board;

   (2) Have taught in this state during each of the last three school years; and

(3) Be enrolled at an institution under the control of the state board of higher education in either a master of education program in educational leadership or a program leading to a specialist diploma in educational leadership;

b. Be pursuing the requirements for a certificate in career development facilitation; or

c. Be pursuing a school counselor credential.

2. If any of the amount appropriated under this section remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as additional per student payments on a prorated basis, according to the latest available average daily membership of each school district.

SECTION 51. USE OF NEW MONEY - COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments and supplemental operations grants to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item and in the grants - supplemental operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

(1) Equity payments under section 15.1-27-11;

(2) Payments to school districts participating in regional education associations under section 15.1-27-03.1;

(3) Grants to school districts for reorganization planning under section 55 of this Act;

(4) Grants to regional education associations under section 56 of this Act; and

(5) Eleven dollars and fifty-eight cents per weighted student unit;

b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

(1) Equity payments under section 15.1-27-11; and

(2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money unless the money is distributed through the state school aid formula as provided in chapter 15.1-27.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district.

SECTION 52. SUPPLEMENTAL ONE-TIME GRANTS - REPORT TO LEGISLATIVE COUNCIL.

1. The superintendent of public instruction may expend up to $85,644,337 from the grants - one-time supplemental payments line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing, during the biennium beginning July 1, 2009, and ending June 30, 2011, one-time supplemental payments to school districts on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall divide the amount due each school district under this section into four payments of approximately equal size and shall forward each payment on a monthly basis, beginning September 1, 2009.

2. Grants distributed under this section may be used only for:

a. The improvement, renovation, repair, or modernization of school buildings and facilities, including deferred maintenance; weatherization; heating, ventilation, and cooling projects; asbestos removal and abatement; security improvements; and laboratory improvements provided that the projects meet the approval requirements of section 15.1-36-01;

b. Building additions, provided the additions do not exceed twenty-five percent of the square footage of the building to which they are to be attached and further provided that the additions meet the approval requirements of section 15.1-36-01;

c. Equipment, including technological equipment, career and technical education equipment, vehicles for instructional purposes, and vehicles for student transportation;

d. Textbooks, instructional materials, and library media materials;

e. Title I expenditures; or

f. Professional development for teachers and administrators.

3. Grants distributed under this section may not be used for any other purpose, including temporary property tax reductions, principal payments on outstanding debts, construction of new buildings, hiring of new personnel, or compensation increases.

4. Grants distributed under this section do not constitute new money for purposes of increased compensation under section 51 of this Act.

5. Any school district receiving a grant under this section shall file a report with the superintendent of public instruction, at the time and in the manner directed by the superintendent. The report must include a description of all expenditures, obligations, or other commitments made as a result of receiving a grant under this section. The superintendent shall compile the information and present it to the legislative council.

SECTION 53. SUPPLEMENTAL OPERATIONS GRANTS. The superintendent of public instruction may expend up to $16,795,584 from the grants - supplemental operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing during the first year of the biennium beginning July 1, 2009, and ending June 30, 2011, a supplemental grant to each school district on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall forward payment under this section to each school district on or before September 1, 2009.

SECTION 54. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

   a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more passengers;

   b. Forty-four cents per mile for vehicles having a capacity of nine or fewer passengers; and

   c. Twenty-four cents per student for each one-way trip.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts

according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 55. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 56. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 57. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid

payments that resulted from the baseline recalculation required by this section.

SECTION 58. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

   ~~1.~~ a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

   ~~2.~~ b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

   ~~3.~~ c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

   ~~4.~~ d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

   ~~5.~~ e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 59. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 60. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 61. LEGISLATIVE COUNCIL STUDY - SCHOOL APPROVAL AND ACCREDITATION. During the 2009-10 interim, the legislative council shall consider studying statutory criteria for the approval of public and nonpublic schools, regulatory criteria for the accreditation of schools, and the consequences to schools and school districts that fail to meet the criteria. In addition, the study must include a review of statutory sections that place specific requirements on school districts and the consequences to school districts that fail to abide by the requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 62. LEGISLATIVE COUNCIL STUDY - WEATHER-RELATED SCHOOL CANCELLATIONS. During the 2009-10 interim, the legislative council shall consider studying the cancellation of school and early dismissal as a result of severe weather or other emergency conditions. The study must include parameters for determining whether to dismiss school early or cancel school for the entire day, statutory requirements for making up lost instructional time, issues related to personnel contracts, issues related to the school calendar and the payment of state aid, and gubernatorial authority to waive statutory rescheduling requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 63. LEGISLATIVE COUNCIL STUDY - DISPLACEMENT OF STUDENTS - NATURAL OR MANMADE CAUSES. During the 2009-10 interim, the legislative council shall consider studying longer term elementary and high school closings and student transfers necessitated by the occurrence of widespread or severe damage as a result of any natural or manmade cause, including fire, flood, tornado, storm, chemical spill, and epidemic. The study should address the coordination of plans to accommodate displaced students, examine responsibility for payment obligations to districts that are not able to provide services, examine responsibility for compensating districts that have accepted displaced students, and specifically examine the expenses incurred by school districts that provided services to displaced students during the 2009 floods. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 64. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 65. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 66. EFFECTIVE DATE.

1. Section 47 of this Act is effective for taxable years beginning after December 31, 2008.

2. Sections 15 and 16 of this Act become effective on July 1, 2010.

3. Section 65 of this Act becomes effective on December 31, 2010.

4. Section 31 of this Act becomes effective on July 1, 2011.

SECTION 67. EXPIRATION DATE. Sections 39 and 42 of this Act are effective through June 30, 2011, and after that date are ineffective. Section 28 of this Act is effective through July 31, 2011, and after that date is ineffective.

SECTION 68. EMERGENCY. Sections 39 and 58 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1400 (as (re)engrossed): Date: 4-30-09

Your Conference Committee House Education

For the Senate:	YES	NO	For the House:	YES	NO
✓ Senator L. Freborg			Chm. Kelsch	✓	
✓ Senator T. Flakoll			Rep. Wall	✓	
✓ Senator R. Taylor			Rep. D. Mueller	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to/RECEDE from) the (Senate/House) amendments on (SJ/HJ) page(s) 1194 - 1219

✓ and place 1400 on the Seventh order.

___ adopt (further) amendments as follows, and place 1400 on the Seventh order:

___ having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 1400 was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	90379.0548 Hog House

MOTION MADE BY: Sen. Freborg

SECONDED BY: Rep. Wall

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1400, as engrossed: Your conference committee (Sens. Freborg, Flakoll, Taylor and Reps. R. Kelsch, Wall, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1194-1219, adopt amendments as follows, and place HB 1400 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1194-1219 of the House Journal and pages 1059-1084 of the Senate Journal and that Engrossed House Bill No. 1400 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-02, two new sections to chapter 15.1-06, two new sections to chapter 15.1-07, a new section to chapter 15.1-09, a new section to chapter 15.1-13, chapter 15.1-18.2, sections 15.1-21-02.3, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, and 15.1-21-02.7, seven new sections to chapter 15.1-21, two new sections to chapter 15.1-27, and three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to career development facilitation, student health insurance, the use of federal stimulus dollars, school personnel, student information systems, school district insurance, national board certification, program and course requirements, assessments, state aid payments, and an early childhood education council; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-23-03, 15.1-23-17, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-35.3, 15.1-27-41, 15.1-32-18, 15.1-36-01, 15.1-38-01.1, and 57-15-14 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, home education, state aid payments, special education, school construction, English language learners, and school district general fund levies; to repeal sections 15.1-21-02.2, 15.1-27-20.1, 15.1-27-41, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, the commission on education improvement, and new immigrant English language learners; to provide an appropriation; to provide a continuing appropriation; to provide for compensation increases; to provide for the distribution of supplemental one-time grants, supplemental operations grants, teacher support system grants, transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, and contingency payments; to provide for a contingent transfer; to provide for legislative council studies and reports; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Certificate - Qualifications.

1. The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Successfully completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

SECTION 2. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Career development facilitation - Provisional approval.

1. The department may provisionally approve an individual to serve as a career advisor if the individual:

   a. Holds a baccalaureate degree from an accredited institution of higher education;

   b. Has at least a five-year employment history; and

   c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.

2. Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Health insurance programs - Joint enrollment program. The superintendent of public instruction and the department of human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Education stabilization fund dollars - Notification of nonreplacement - Publication of notice.

1. The superintendent of public instruction shall notify the superintendent and board of each school district in the state, by certified mail, that any education stabilization fund dollars received by the district as a result of the American Recovery and Reinvestment Act of 2009 must be used first to restore funding deficiencies in the 2009-10 school year when compared to the 2005-06 school year and that any additional dollars received under the American Recovery and Reinvestment Act of 2009 must be used for one-time, nonrecurring expenditures because this state is not responsible for replacing that level of funding or otherwise sustaining that level of funding during the 2011-13 biennium.

2. During the thirty-day period following receipt of the notification, the superintendent of each school district shall arrange to publish the notice at least twice in the official newspaper of the district.

SECTION 5. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During ~~each~~ the 2009-10 school year, a school district shall provide for a school calendar of at least one hundred eighty days~~, apportioned as follows:~~.

   a. One hundred seventy-three ~~full~~ days ~~of~~ must be used for instruction;

   b. Three days must be used for holidays ~~listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and~~, as selected by the school board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two ~~full~~ days ~~during which parent-teacher conferences are held or which are deemed by the school board to be compensatory~~ must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside regular school hours; and

   d. Two days must be used for professional development ~~activities~~.

2. During the 2010-11 school year, a school district shall provide for a school calendar of at least one hundred eighty-one days.

   a. One hundred seventy-four days must be used for instruction;

   b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two days must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

   d. Two days must be used for professional development.

3. Beginning with the 2011-12 school year, a school district shall provide for a school calendar of at least one hundred eighty-two days.

   a. One hundred seventy-five days must be used for instruction;

   b. Three days must be used for holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;

   c. Up to two days must be used for:

      (1) Parent-teacher conferences; or

      (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and

d. Two days must be used for professional development.

4. A day for professional development must consist of:

   a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day; or

   b. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.

5. If a school district offers a four-hour period of professional development, as permitted in subdivision b of subsection 4, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subsection does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.

6. a. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may require that its teachers attend the North Dakota education association instructional conference and may pay teachers for attending the conference, provided their attendance is verified.

   b. In meeting the requirements for two days of professional development ~~activities~~ under ~~subsection 1~~ this section, a school district may consider attendance at the North Dakota education association instructional conference to be optional, elect not to pay teachers for attending the instructional conference, and instead direct any resulting savings toward providing alternate professional development opportunities.

   c. ~~For purposes of this section, a "day for professional development activities" means:~~

      ~~(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or~~

      ~~(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.~~

~~3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~

~~4.~~ A school district may not require the attendance of teachers in school or at any school-sponsored, school-directed, school-sanctioned, or school-related activities and may not schedule classroom instruction time nor alternate professional development activities on any day that conflicts with the North Dakota education association instructional conference.

~~5. a. During the 2007-08 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

~~b. Beginning with the 2008-09 school year, a full day of instruction consists of:~~

~~(1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and~~

~~(2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.~~

7. Beginning with the 2010-11 school year, if a school district elects to provide an optional third day of professional development, the school district shall do so by:

a. Meeting the requirements for a day of professional development as set forth in subsection 4; or

b. Shortening four instructional days, for the purpose of providing for two-hour periods of professional development,
provided:

(1) Each instructional day on which such professional development occurs includes at least four hours of instruction for kindergarten and elementary students and four and one-half hours for high school students;

(2) The instructional time for each course normally scheduled on that day is reduced proportionately or the daily schedule is reconfigured to ensure that the same course is not subject to early dismissal more than one time per school calendar, as a result of this subdivision; and

(3) All teachers having a class dismissed as a result of this subdivision are required to be in attendance and participate in the professional development.

6. 8. a. If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

7. b. A school that does not qualify under the provisions of subsection 6 this subsection must extend its normal schoolday by at least thirty

minutes to make up classroom instruction time lost as a result of weather-related closure.

8. c. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.

9. For purposes of this section, a full day of instruction consists of:

   a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

   b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 6. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under section 2 of this Act to serve as a career advisor.

SECTION 7. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Career advisor - Duties. A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.

SECTION 8. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student performance strategist - Verification - Qualifications. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the

superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07 and serve as a tutor or an instructional coach.

SECTION 9. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Student information system - Statewide coordination. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system.

SECTION 10. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Maintenance of insurance - Report to superintendent of public instruction.

1. During the 2009-10 school year and at least once every eight years thereafter, each school district shall obtain an appraisal of its buildings and its facilities, and an inventory of their contents.

2. Annually, each school district shall review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents and ensure that there are in place policies sufficient to provide in full for the repair or replacement of the buildings, its facilities, and their contents, in the event of a loss.

3. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of this section.

SECTION 11. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid that which is payable by the superintendent under subdivision n of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not

eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 12. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

National board certification fund - Creation - Continuing appropriation.

1. The national board certification fund is a special fund in the state treasury. The state investment board shall invest the fund in accordance with chapter 21-10. All interest and income received on investments are appropriated on a continuing basis to the superintendent of public instruction for the purpose of allowing the education standards and practices board to award grants to teachers pursuing national board certification.

2. The education standards and practices board shall make grants available to applicants in an amount equal to the cost of obtaining national board certification, but not exceeding two thousand five hundred dollars per applicant. The board shall make the grants available to applicants in chronological order, based on the date the board receives an applicant's completed application.

3. As a condition of the grant, the education standards and practices board may require recipients who achieve national board certification to mentor other individuals who are licensed to teach by the board.

SECTION 13. Chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-18.2-01. Professional development plan - Adoption - Review by school district.

1. Each school district shall adopt a professional development plan. The plan must include a description of the professional development activities that the district offers or makes available, the district's requirements for participation by teachers, and the manner in which participation is documented.

2. Each school district shall review and if necessary modify its plan at least once every five years.

3. Each school district shall file a copy of its most recent professional development plan with the superintendent of public instruction.

15.1-18.2-02. Professional development plan - Review by superintendent of public instruction. The superintendent of public instruction shall review each school district's professional development plan to ensure that the plan meets the requirements of section 15.1-18.2-01, is designed to improve the quality of teaching and learning in the district, and is implemented in an efficient and effective manner.

15.1-18.2-03. Professional development advisory committee - Duties - Staff support.

1. The superintendent of public instruction shall appoint a professional development advisory committee to:

   a. Examine the delivery of professional development in this state;

   b. Review professional development needs from the perspective of teachers, school administrators, school board members, and parents;

   c. Review the professional development plans filed by school districts and propose changes to improve the opportunities for professional development; and

   d. Advise the superintendent regarding regulatory and statutory measures that could be pursued to improve the quality and availability of professional development opportunities.

2. The superintendent shall provide staff support to the professional development advisory committee.

SECTION 14. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

   a. Four units of English language arts from a sequence that includes literature, composition, and speech;

   b. Four units of mathematics;, including:

      (1) One unit of algebra II; and

      (2) One unit for which algebra II is a prerequisite;

   c. Four units of science;, including:

      (1) One unit of physical science; and

      (2) One unit of biology;

   d. Four units of social studies, including one:

      (1) One unit of world history and one;

      (2) One unit of United States history; and

      (3) (a) One unit of problems of democracy; or

      (b) One-half unit of United States government and one-half unit of economics;

   e. One-half unit of health;

   f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness

class that includes instruction in the assessment, improvement, and maintenance of personal fitness;

g. Two units of fine arts, at least one of which must be music;

h. Two units of the same foreign or native American language; and

i. One unit of an advanced placement course or one unit of a dual-credit course; and

j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.

3. Each unit which must be made available under this section must meet or exceed the state content standards.

4. For purposes of this section, unless the context otherwise requires, "make available" means that:

a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;

b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and

c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.

5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.

6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:

a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.

7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 15. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school graduation - Diploma requirements. Before Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed at least twenty-one the following twenty-two units of high school coursework from the ~~minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four:~~

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Three units of mathematics;
3. Three units of science, including:
   a. One unit of physical science;
   b. One unit of biology; and
   c. (1) One unit of any other science; or
      (2) Two one-half units of any other science;
4. Three units of social studies, including:
   a. One unit of United States history;
   b. (1) One-half unit of United States government and one-half unit of economics; or
      (2) One unit of problems of democracy; and
   c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. One unit of physical education; or
   b. One-half unit of physical education and one-half unit of health;
6. Three units of:
   a. Foreign languages;
   b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any five additional units.

SECTION 16. Section 15.1-21-02.3 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.3. Optional high school curriculum - Requirements. If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21-02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Two units of mathematics;

3. Two units of science;

4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Two units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any seven additional units.

SECTION 17. Section 15.1-21-02.4 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota career and technical education scholarship provided the student completes all requirements set forth in

subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and

   c. Completes three additional units, two of which must be in the area of career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction; and

4. Receives:

   a. A composite score of at least twenty-four on an ACT; or

   b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 18. Section 15.1-21-02.5 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.5. North Dakota academic scholarship. Any resident student who graduates from a high school during or after the 2010-11 school year is eligible to receive a North Dakota academic scholarship provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II, as defined by the superintendent of public instruction, in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes one additional unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and

   c. Completes:

      (1) Two units of the same foreign or native American language;

      (2) One unit of fine arts or career and technical education; and

      (3) One unit of a foreign or native American language, fine arts, or career and technical education;

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B", as determined by the superintendent of public instruction;

4. Receives a composite score of at least twenty-four on an ACT; and

5. Completes one unit of an advanced placement course and examination or a dual-credit course.

SECTION 19. Section 15.1-21-02.6 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.

2. A student is not entitled to receive more than six thousand dollars under this section.

3. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

4. This section does not require a student to be enrolled in consecutive semesters. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

5. A scholarship under this section is available to any eligible student who graduates from a high school in this state or from a high school in a bordering state under chapter 15.1-29.

SECTION 20. Section 15.1-21-02.7 of the North Dakota Century Code is created and enacted as follows:

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT.

2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:

   a. A composite score of at least twenty-four on an ACT; or

b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections.

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

Summer school courses and programs - Eligibility for payment. The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1. a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;

b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;

c. Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;

d. Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;

e. Beginning after the conclusion of the 2009-10 school calendar, science provided to students enrolled in any grade from five through eight; and

f. Beginning after the conclusion of the 2009-10 school calendar, social studies provided to students enrolled in any grade from five through eight; and

2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

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

Interim assessment. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

SECTION 23. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Career interest inventory. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest

inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 24. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The student's school district of residence is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.

4. If the superintendent of public instruction determines that the cost of the summative assessment and its administration can be reduced through use of a state procurement process, the superintendent shall work with the school districts to procure and arrange for the administration of the assessment and shall withhold each district's share of the total cost from any state aid otherwise payable to the district.

SECTION 25. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take the ACT or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The school district in which the student resides at the time the student takes the summative assessment is responsible for the cost of one summative assessment and its administration per student.

2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment.

SECTION 26. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in curriculum.

1. Beginning July 1, 2010, each school district shall ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:

   a. Checkbook mechanics, including writing checks, balancing, and statement reconciliation;

   b. Saving for larger purchases;

   c. Credit, including credit card usage, interest, and fees;

   d. Earning power, including jobs for teenagers;

   e. Taxation and paycheck withholdings;

   f. College costs;

   g. Making and living within a budget; and

   h. Mortgages, retirement savings, and investments.

2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

SECTION 27. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Required reading of historical documents. Before a student is deemed to have successfully completed either United States government or problems of democracy, as required by section 15.1-21-02.1, the student's school district shall ensure that the student has read the Declaration of Independence, the United States Constitution, and the Bill of Rights.

SECTION 28. AMENDMENT. Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-03. Home education - Parental qualifications. A parent may supervise home education if the parent:

1. Is licensed to teach by the education standards and practices board or ~~approved to teach by the education standards and practices board;~~

2. Holds a baccalaureate degree high school diploma or a general educational development diploma;

3. ~~Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test; or~~

4. 2. Meets the requirements of section 15.1-23-06.

SECTION 29. AMENDMENT. Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-17. Home education - High school diplomas.

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

SECTION 30. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

f. g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

g. h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

h. i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

i. j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

j. ~~0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

k. l. 0.067 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; and

l. ~~0.02 the number of full-time equivalent students, other than those provided for in subdivision j, who are enrolled in an English language learner program~~

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

n. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

o. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 31. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:

   a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

   b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;

   c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

   d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

   e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

   f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

   f. g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

   g. h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

   h. i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

   i. j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

   k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

   j. ~~0.14 the number of full-time equivalent students enrolled in a new immigrant English language learner program;~~

   k. l. 0.067 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services; and

m. 0.07 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be somewhat proficient and are enrolled in a program of instruction for English language learners;

l. n. 0.02 0.025 the number of full-time equivalent students, other than ~~those provided for in subdivision j, who are enrolled in an English language learner program students representing that percentage of~~ the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];

o. 0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and

p. 0.002 the number of students enrolled in average daily membership, in order to support technology.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 32. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is three thousand two hundred fifty dollars.

b. The per student payment rate to which each school district is entitled for the second year of the biennium is three thousand three seven hundred twenty-five seventy-nine dollars.

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 33. AMENDMENT. Section 15.1-27-07.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:

a. Adding together all state aid received by the district during the 2006-07 school year;

b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and

c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the 2007-08 2009-10 school year, is at least equal to one hundred three and one-half eight percent of the baseline funding per weighted student unit, as established in subsection 1.

b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the 2007-08 2009-10 school year, is at least equal to one hundred six twelve and one-half percent of the baseline funding per weighted student unit, as established in subsection 1.

3. a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the 2007-08 2009-10 school year, one hundred seven twenty percent of the baseline funding per weighted student unit, as established in subsection 1.

b. Beginning with the 2008-09 school year, the maximum percentage of ~~allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision. The superintendent of public instruction~~ shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for each school year after the 2009-10 school year, one hundred thirty-four percent of the baseline funding per weighted student unit, as established in subsection 1.

SECTION 34. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. Equity payments.

1. The superintendent of public instruction shall:

a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. a. ~~If a school district's imputed taxable valuation per student is less than eighty-eight and one-half percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:~~

   (1) ~~Determining the difference between eighty-eight and one-half percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and~~

   (2) ~~Multiplying that difference by the district's total average daily membership.~~

   b. ~~Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

   (1) a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

   (2) b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

   a. The district's general fund mill levy for the taxable year 2008; or

   b. One hundred eighty-five mills.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund mill levy for the taxable year 2008.

   b. If a district's general fund levy for the taxable year 2008 is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund mill levy for the taxable year 2008 from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

   c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of

the armed forces and students who are dependents of civilian employees of the department of defense.

6. For purposes of this section:

   a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

   b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing sixty ~~percent of the district's mineral and tuition revenue by the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an:~~

      (1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, revenue from payments in lieu of taxes from electricity generated from sources other than coal, and revenue received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 by the district's general fund mill levy; and

      (2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund mill levy.

   c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

   d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 35. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Reorganized district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 becomes part of a reorganized district after June 30, 2010, the newly reorganized district is entitled to receive, for a period of two years, an amount equal to the greater of:

1. The equity payment received by each of the school districts during the school year immediately preceding the reorganization; or

2. The equity payment to which the newly reorganized school district is entitled under section 15.1-27-11.

SECTION 36. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Dissolved district - Continuation of equity payment. If a school district that received an equity payment under section 15.1-27-11 dissolves after June 30, 2009, any school district that receives a portion of the dissolved district's land is entitled to receive, for a period of two years, an amount equal to the greatest of:

1. That percentage of the dissolved school district's equity payment from the school year immediately preceding the dissolution which is the same as that percentage of the dissolved district's land which was attached to the receiving district;

2. The same equity payment to which the receiving school district was entitled in the school year immediately preceding the dissolution; or

3. The equity payment to which the receiving school district is entitled under section 15.1-27-11.

SECTION 37. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - Payments to school districts.

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course 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 meets the requirements of section 21~~ of this Act.

2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 21 of this Act and complies with rules adopted by the superintendent of public instruction.

SECTION 38. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. a. Average During the 2009-10 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

   a. (1) The school district's calendar; or

   b. (2) One hundred eighty.

b. During the 2010-11 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-one.

c. Beginning with the 2011-12 school year, average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:

(1) The school district's calendar; or

(2) One hundred eighty-two.

2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

b. The two days set aside for professional development activities under section 15.1-06-04; and

c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

3. For purposes of calculating average daily membership:

a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

b. During the 2007-08 school year, a student enrolled full time in an ~~approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a A student enrolled full time in an approved regular~~ education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The

membership may be prorated for a student who is enrolled less than full time.

SECTION 39. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance - Report to legislative council.

1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:

   a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and

   (2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in paragraph 1;

   b. Were received directly by the district from the United States government in accordance with the American Recovery and Reinvestment Act of 2009; or

   c. Were received by the district as supplemental one-time grants under section 52 of this Act.

3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes, if such was a permitted use.

SECTION 40. AMENDMENT. Section 15.1-27-41 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.

1. The North Dakota commission on education improvement consists of:

a. (1) The governor or an individual designated by the governor, who shall serve as the chairman;

(2) One individual, appointed by the governor, who chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than one thousand students in average daily membership and has not served on the commission for more than one interim;

(3) One individual, appointed by the governor, who chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership and has not served on the commission for more than one interim;

(4) One individual, appointed by the governor, who chairman of the legislative management from a list of three nominees submitted by the North Dakota council of educational leaders, provided each nominee is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership and has not served on the commission for more than one interim;

(5) One individual, appointed by the governor, who is employed as ~~a school district business manager;~~

(6) The chairman of the senate education committee or the chairman's designee;

(7) (6) The chairman of the house education committee or the chairman's designee;

(8) (7) The senate minority leader or the leader's designee;

(9) (8) One legislator appointed by the chairman of the legislative council management; and

(10) (9) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and

(10) The director of the department of career and technical education or the director's designee; and

b. The following nonvoting members:

(1) One nonvoting member individual representing the North Dakota council of educational leaders, one nonvoting member;

(2) One individual representing the North Dakota education association, and one nonvoting member;

(3) One individual representing the North Dakota school boards association;

(4) One individual who is or has served as the president of a private four-year institution of higher education, appointed by the chairman of the legislative management;

(5) One individual who is the owner or manager of a business located in this state, appointed by the chairman of the legislative management from a list of three nominees submitted by the North Dakota chamber of commerce; and

(6) The commissioner of higher education or the commissioner's designee.

2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.

3. a. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

b. In addition, members of the legislative assembly who serve on the commission and the individual who is the owner or manager of a business located in this state are entitled to receive compensation in the amount of one hundred thirty-five dollars per day if they are attending meetings or performing duties directed by the commission. The superintendent of public instruction shall use up to forty thousand dollars from moneys appropriated in the grants - state school aid line item in section 3 of Senate Bill No. 2013 the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, to provide the compensation and reimbursements.

4. The commission shall examine:

a. Examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state;

b. Examine the state's high school graduation requirements, curricular standards, and assessments to ensure that students have the academic skills necessary to move seamlessly and without remediation from high schools to institutions of higher education or to meet the performance levels expected by employers;

c. Examine the measures enacted by the most recent legislative assembly to improve student performance, confirm their full implementation, and recommend future measures for continued improvement; and

d. Examine the measures enacted by the most recent legislative assembly to improve the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement.

5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 41. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.

3. "Excess costs" are those that exceed four and one-half times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.

4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of special education and related services to one student, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four and one-half times the state average cost of education per student.

SECTION 42. AMENDMENT. Section 15.1-36-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-01. School construction projects - Approval.

1. Notwithstanding the powers and duties of school boards provided by law, the superintendent of public instruction shall approve the construction, purchase, repair, improvement, modernization, or renovation of any public school building or facility before commencement of the project if the cost of the project, as estimated by the school board, is in excess of twenty-five forty thousand dollars.

2. The superintendent of public instruction may not approve a project unless the school district proposing the project:

   a. Demonstrates the need for the project, and the educational utility of the project, and the ability to sustain a stable or increasing student ~~enrollment for a period of time at least equal to the anticipated usable life of the project or demonstrates potential utilization of the project by~~ a future reorganized school district; and

   b. Demonstrates the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32.

3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:

      (1) The need for the project;

      (2) The educational utility of the project;

      (3) The school district's ability to sustain a stable or increasing ~~student enrollment for a period of time at least equal to the anticipated usable life of the project;~~

      (4) The potential use of the project by a future reorganized school district;

      (5) (4) The capacity of the district to pay for the project; and

      (6) (5) Any other objective factors relative to the appeal.

   b. The decision of the state board is final.

4. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 15.1-06-09 unless the cost of the improvements exceeds seventy-five thousand dollars.

5. This section is applicable to any construction, purchase, repair, improvement, renovation, or modernization, even if the school board pays for the project in whole or in part with moneys received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 or in accordance with moneys received under the American Recovery and Reinvestment Act of 2009.

6. For purposes of this chapter, "facility" includes a public school parking lot, public school athletic complex, or any other improvement to real property owned by the school district.

SECTION 43. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood education council - Membership - Terms.

1. The North Dakota early childhood education council consists of:

a. A chairman appointed by the governor;

b. The superintendent of public instruction, or the superintendent's designee;

c. The state health officer, or the officer's designee;

d. The director of the department of human services, or the director's designee;

e. The North Dakota head start - state collaboration administrator, or the administrator's designee;

f. The commissioner of higher education, or the commissioner's designee;

g. The chairman of the senate education committee, or the chairman's designee;

h. The chairman of the house of representatives education committee, or the chairman's designee; and

i. The following gubernatorial appointees:

(1) The superintendent of a school district having at least one thousand students in average daily membership;

(2) The superintendent of a school district having fewer than one thousand students in average daily membership;

(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;

(4) The principal of a school district;

(5) An individual employed as an elementary school teacher;

(6) An individual representing a non-religious-based provider of preschool education;

(7) An individual representing a religious-based provider of preschool education;

(8) An individual representing a center-based licensed child care provider;

(9) An individual representing a home-based licensed child care provider;

(10) An individual representing a reservation-based head start program;

(11) An elected member of a school board;

(12) The parent of a child not yet enrolled in elementary school; and

(13) The parent of a child with special needs not yet enrolled in elementary school.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 44. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council - Duties. The council shall:

1. Review the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood education standards and propose revisions to the standards as needed;

4. Review opportunities for public and private sector collaboration in the delivery of early childhood education in this state;

5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

6. Provide a biennial report regarding its activities to the governor and the legislative council.

SECTION 45. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is

attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative council under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 46. AMENDMENT. Section 15.1-38-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-38-01.1. English language learner - Definition. English language learner means a student who:

1. Is at least five years of age but has not reached the age of twenty-two twenty-one before August first of the year of enrollment;

2. Is enrolled in a school district in this state;

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

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

SECTION 47. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:

   a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.

   b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.

2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.

3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 48. APPROPRIATION - TEACHER SUPPORT SYSTEM PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,300,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a grant to the education standards and practices board for a teacher support system program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The education standards and practices board shall:

   a. Employ an individual to serve as a teacher support system coordinator;

   b. Administer and evaluate the program; and

   c. (1) Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

      (2) If a school district is not in need of mentors for its first-year teachers, the board shall select and train experienced teachers who will work with school district administrators to identify the needs of the district's non-first-year teachers and through research-validated interventions and the use of proven instructional methods help the district's non-first-year teachers address their particular needs.

2. The education standards and practices board may use any moneys provided under this section for staff compensation, training, evaluation, stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the funds appropriated in this section for administrative expenses.

3. The education standards and practices board may provide services under this section only to teachers employed by school districts and not to teachers employed by any other entity.

SECTION 49. APPROPRIATION - NATIONAL BOARD CERTIFICATION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of creating the national board certification fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 50. APPROPRIATION - CONTINUING EDUCATION GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing continuing education grants, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. The superintendent shall award grants in amounts up to $1,200 to eligible recipients in chronological order, based on the date of an individual's application. An eligible recipient must:

   a. (1) Be licensed to teach by the education standards and practices board;

   (2) Have taught in this state during each of the last three school years; and

   (3) Be enrolled at an institution under the control of the state board of higher education in either a master of education program in educational leadership or a program leading to a specialist diploma in educational leadership;

   b. Be pursuing the requirements for a certificate in career development facilitation; or

   c. Be pursuing a school counselor credential.

2. If any of the amount appropriated under this section remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as additional per student payments on a prorated basis, according to the latest available average daily membership of each school district.

SECTION 51. USE OF NEW MONEY - COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments and supplemental operations grants to increase the compensation paid to teachers, counselors, and career advisors and to provide compensation to teachers, counselors, and career advisors who begin employment with the district on or after July 1, 2009.

2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2009-11 biennium by:

   a. Determining the total amount of dollars in the 2009-11 biennium grants - state school aid line item and in the grants - supplemental operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11;

      (2) Payments to school districts participating in regional education associations under section 15.1-27-03.1;

      (3) Grants to school districts for reorganization planning under section 55 of this Act;

      (4) Grants to regional education associations under section 56 of this Act; and

      (5) Eleven dollars and fifty-eight cents per weighted student unit;

   b. Determining the total amount of dollars in the 2007-09 biennium grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixtieth legislative assembly, and subtracting from that amount:

      (1) Equity payments under section 15.1-27-11; and

      (2) Grants to school districts for reorganization planning under section 49 of chapter 163 of the 2007 Session Laws; and

   c. Subtracting the amount arrived at under subdivision b from the amount arrived at under subdivision a.

3. For purposes of this section, money made available to the state as a result of federal action to stimulate the national economy or to address state fiscal recovery does not constitute new money unless the money is distributed through the state school aid formula as provided in chapter 15.1-27.

4. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must be treated as a single district for purposes of this section.

5. a. This section does not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that

complying with subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.

b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.

c. The superintendent of public instruction shall report all notices received under this subsection to the legislative council.

6. This section does not extend, by intent, implication, or any other granting of unenumerated statutory rights, to teachers, counselors, and career advisors employed by an entity other than the board of a school district.

SECTION 52. SUPPLEMENTAL ONE-TIME GRANTS - REPORT TO LEGISLATIVE COUNCIL.

1. The superintendent of public instruction may expend up to $85,644,337 from the grants - one-time supplemental payments line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing, during the biennium beginning July 1, 2009, and ending June 30, 2011, one-time supplemental payments to school districts on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall divide the amount due each school district under this section into four payments of approximately equal size and shall forward each payment on a monthly basis, beginning September 1, 2009.

2. Grants distributed under this section may be used only for:

a. The improvement, renovation, repair, or modernization of school buildings and facilities, including deferred maintenance; weatherization; heating, ventilation, and cooling projects; asbestos removal and abatement; security improvements; and laboratory improvements provided that the projects meet the approval requirements of section 15.1-36-01;

b. Building additions, provided the additions do not exceed twenty-five percent of the square footage of the building to which they are to be attached and further provided that the additions meet the approval requirements of section 15.1-36-01;

c. Equipment, including technological equipment, career and technical education equipment, vehicles for instructional purposes, and vehicles for student transportation;

d. Textbooks, instructional materials, and library media materials;

e. Title I expenditures; or

f. Professional development for teachers and administrators.

3. Grants distributed under this section may not be used for any other purpose, including temporary property tax reductions, principal payments

on outstanding debts, construction of new buildings, hiring of new personnel, or compensation increases.

4. Grants distributed under this section do not constitute new money for purposes of increased compensation under section 51 of this Act.

5. Any school district receiving a grant under this section shall file a report with the superintendent of public instruction, at the time and in the manner directed by the superintendent. The report must include a description of all expenditures, obligations, or other commitments made as a result of receiving a grant under this section. The superintendent shall compile the information and present it to the legislative council.

SECTION 53. SUPPLEMENTAL OPERATIONS GRANTS. The superintendent of public instruction may expend up to $16,795,584 from the grants - supplemental operations line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing during the first year of the biennium beginning July 1, 2009, and ending June 30, 2011, a supplemental grant to each school district on a prorated basis, according to the latest available average daily membership of each school district. The superintendent shall forward payment under this section to each school district on or before September 1, 2009.

SECTION 54. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2009-11 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:

   a. Ninety-two cents per mile for schoolbuses having a capacity of ten or more passengers;

   b. Forty-four cents per mile for vehicles having a capacity of nine or fewer passengers; and

   c. Twenty-four cents per student for each one-way trip.

2. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of the transportation formula as it existed on June 30, 2001.

3. If any moneys provided for transportation payments in the grants - transportation line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled.

4. This section does not authorize the reimbursement of any costs incurred in providing transportation for student attendance at extracurricular activities or events.

SECTION 55. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS. The superintendent of public instruction may expend up to $100,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing planning grants to school districts participating in reorganizations under chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant provided under this section may not exceed $25,000 and may not be awarded unless the student enrollment of the participating districts exceeds three hundred sixty. If a grant is provided and the recipient districts vote not to reorganize, the superintendent of public instruction shall withhold the grant amount that each district received under this section from any state aid payable to the district.

SECTION 56. REGIONAL EDUCATION ASSOCIATIONS - GRANTS. During each year of the 2009-11 biennium, the superintendent of public instruction shall expend up to $200,000 from the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, for the purpose of providing grants in the amount of $25,000, to each group of school districts which has been designated as a regional education association under section 15.1-09.1-02. Before September first of each year, the superintendent of public instruction shall divide each grant by the number of school districts in the respective association and forward that portion of each school district's individual grant directly to the association in which the district participates.

SECTION 57. FEDERAL IMPACT AID - BASELINE RECALCULATION - GRANT.

1. If the amount of federal impact aid received by a school district during the 2006-07 school year resulted in that district losing state aid under section 15.1-27-35.3 during the 2007-09 biennium, the superintendent shall reestablish that district's baseline by:

   a. Adding together the amount of state aid that the district would have received during the 2006-07 school year if in determining the district's ending fund balance the average amount of federal impact aid received by the district during the 2005-06 and 2006-07 school years had been used, rather than the actual amount received during the 2006-07 school year;

   b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in regional education associations; and

   c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.

2. On or before August 1, 2009, the superintendent of public instruction shall use up to $300,000 from moneys appropriated in the grants - state school aid line item in the appropriation bill for the superintendent of public

instruction, as approved by the legislative assembly, to provide to a school district a grant equaling the difference in the 2007-09 biennium state aid payments that resulted from the baseline recalculation required by this section.

SECTION 58. AMENDMENT. Section 55 of chapter 163 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 55. CONTINGENT MONEY - 2007-09.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, any money that was appropriated to the superintendent for special education contracts in Senate Bill No. 2013 and which remains after the superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009.

2. If any money that was appropriated to the superintendent of public instruction for state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

   1. a. Use the first $1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;

   2. b. Use the next $2,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in regional education associations under chapter 15.1-09.1;

   3. c. Use the next $550,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;

   4. d. Use the next $200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and

   5. e. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 59. CONTINGENT MONEY - 2009-11.

1. In determining the availability of contingent money under this section, the superintendent of public instruction shall first add to the money in the grants - state school aid line item in the appropriation bill for the superintendent of public instruction, as approved by the sixty-first legislative assembly, any money that was appropriated to the superintendent for special education contracts and which remains after the

superintendent complied with all statutory special education contract payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011.

2. If any money that was appropriated to the superintendent of public instruction for grants - state aid payments to school districts or added to the grants - state school aid line item in accordance with subsection 1 remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent shall use the money to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 60. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2009, and ending June 30, 2011, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-second legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 61. LEGISLATIVE COUNCIL STUDY - SCHOOL APPROVAL AND ACCREDITATION. During the 2009-10 interim, the legislative council shall consider studying statutory criteria for the approval of public and nonpublic schools, regulatory criteria for the accreditation of schools, and the consequences to schools and school districts that fail to meet the criteria. In addition, the study must include a review of statutory sections that place specific requirements on school districts and the consequences to school districts that fail to abide by the requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 62. LEGISLATIVE COUNCIL STUDY - WEATHER-RELATED SCHOOL CANCELLATIONS. During the 2009-10 interim, the legislative council shall consider studying the cancellation of school and early dismissal as a result of severe weather or other emergency conditions. The study must include parameters for determining whether to dismiss school early or cancel school for the entire day, statutory requirements for making up lost instructional time, issues related to personnel contracts, issues related to the school calendar and the payment of state aid, and gubernatorial authority to waive statutory rescheduling requirements. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 63. LEGISLATIVE COUNCIL STUDY - DISPLACEMENT OF STUDENTS - NATURAL OR MANMADE CAUSES. During the 2009-10 interim, the legislative council shall consider studying longer term elementary and high school closings and student transfers necessitated by the occurrence of widespread or severe damage as a result of any natural or manmade cause, including fire, flood, tornado, storm, chemical spill, and epidemic. The study should address the coordination of plans to accommodate displaced students, examine responsibility for payment obligations to districts that are not able to provide services, examine responsibility for compensating districts that have accepted displaced students, and specifically examine the expenses incurred by school districts that provided services to displaced students during the 2009 floods. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 64. REPEAL. Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code are repealed.

SECTION 65. REPEAL. Section 15.1-27-41 of the North Dakota Century Code is repealed.

SECTION 66. EFFECTIVE DATE.

1. Section 47 of this Act is effective for taxable years beginning after December 31, 2008.

2. Sections 15 and 16 of this Act become effective on July 1, 2010.

3. Section 65 of this Act becomes effective on December 31, 2010.

4. Section 31 of this Act becomes effective on July 1, 2011.

SECTION 67. EXPIRATION DATE. Sections 39 and 42 of this Act are effective through June 30, 2011, and after that date are ineffective. Section 28 of this Act is effective through July 31, 2011, and after that date is ineffective.

SECTION 68. EMERGENCY. Sections 39 and 58 of this Act are declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1400 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1400

Presentation to the House Education Committee, January 13, 2009

Summary of Proposed HB 1400 as Recommended to the 61st Legislative Assembly by the Education Commission on Education Improvement

Commission Composition

- Voting Members
  - Representative of the Governor's Office
  - Superintendent of Public Instruction
  - Four legislators
  - Three school district superintendents
  - One school district business manager
- Non-Voting Members
  - ND Education Association
  - ND Council of Education Leaders
  - ND School Boards' Association
  - Consultant Member - Mark Lemer

HB 1400 Summary

Main Funding Formula Recommendations

- Increases funding by $110,560,00 for per pupil payments which includes
  - $4,000,000 increase in equity payments, a $12,000,000 increase for two years of
  - full day kindergarten, and
  - $10,000,000 for the "at risk" factor.
- Changes and/or adds the following weighting factors to the comprehensive formula:
  - Special Education from .067to .070
  - Increases English Language Learners (ELL) factor from two tiers .14 and .02 to three tiers of .20, .05, and .03
  - Adds a new weighting factor of .05 for "at risk" students

HB 1400 Summary

Main Funding Formula Recommendations

- Discontinues minimum levy offset
- Deducts Ending Fund Balance (EFB) after all other adjustments are made and to transportation payments
- Sets minimum funding increase of 108% of the baseline in Year 1 and 112.5% of the baseline in Year 2
- Sets maximum funding increase of 120% of the baseline in Year 1 and 134% of the baseline in Year 2
- Provides $10,000,000 in matching grants for deferred maintenance contingent on a $30,000,000 increase in the forecast ending fund balance

ILLUSTRATION FOR REVISED MAIN FUNDING FORMULA
PREPARED FOR THE ND COMMISSION ON EDUCATION IMPROVEMENT
(Based on Grafton School District Prior Year Data Rounded)

KEY	DESCRIPTION	ADM	WEIGHTING FACTOR		WEIGHTED ADM
1	Grades K-12 ADM *(based on prior year-end)*	*828.00*	*1.00*		*828.00*
2	PK Special Ed ADM	24.00	1.00		24.00
3	**BASE ADM**				852.00
4	Special Ed ADM *(non-contract)*	*852.00*	*0.07*		*61.74*
5	Pre-K Eligible ADM	30.00	.20		6.00
6	Pre-K Special Ed ADM	24.00	0.17		4.08
7	English Language Learners: Level 1	5.00	0.20		1.00
8	English Language Learners: Level 2	6.00	0.05		0.30
9	English Language Learners: Level 3	20.00	0.02		0.40
10	Special Ed ESY	10.00	1.00		10.00
11	Alternative High School	0.00	0.25		0.00
12	Summer School	16.00	0.60		9.60
13	Migrant Summer School	50.00	1.00		50.00
14	Home-Schooled (Supervision)	6.00	0.50		3.00
15	At Risk – Poverty	180.00	0.05		9.00
16	Small Isolated *(additional ADM for minimum)*	*0.00*	*1.00*		*0.00*
17	Small Isolated *(cost factor on actual and phantom)*	*0.00*	*0.25*		*0.00*
18	Out-of-State Reciprocity	0.00	0.20		0.00
19	Served by Regional Education Association *(K-12 ADM)*	*828.00*	*0.004*		*8.28*
20	**WEIGHTED ADM TOTAL**				**1,015.40**
21	**SCHOOL SIZE WEIGHTING FACTOR**			x	1.01
22	**WEIGHTED STUDENT UNITS**				**1,025.55**
23	**PER STUDENT PAYMENT**			x	**$ 3,460.00**
24	**TOTAL STATE AID PAYMENT** *(minimum of 2.5% growth and maximum of 8% per student)*				**$ 3,548,403.00**
25	**HIGH VALUATION OFFSET**				**.00**

HB 1400 Summary

Pre-Kindergarten

- Establishes a North Dakota Learning Council
- Provides a pre-kindergarten factor in the formula that:
  - Funds a half-day program at least two times per week
  - Makes the factor available in the 2010-2011 school year on a voluntary basis for both districts and students
  - Revises state statutes to authorize public education for 4 year-olds

HB 1400 Summary

Regional Education Associations (REAs)

- Provides funding support of $3,000,000 which would be provided through:
  - A base grant of $25,000 per year for each REA; and
  - through a factor in the formula of .004 times the number of K-12 students served by an REA times the per student payment.
  - The amount earned by the calculation would be held by the Department of Public Instruction (DPI) and distributed directly to the REA.
- REAs will continue to be authorized to hire employees

HB 1400 Summary

Equity Payment

- Provides for the calculation of the Equity Payment to remain the same for 2009-2011
- Allows for districts that re-organize or dissolve to receive no reduction in equity payments for 2 years

HB 1400 Summary

Special Education Contracts

- Continues to cover the excess costs of the most costly 1% of all students receiving special education services
- Reduces the multiplier from 4.5 to 4.0 times the cost of education to achieve the benchmark
- Appropriates $15,500,000 for the 2009-2011 biennium for special education contracts
- Provides for any surplus funds in both the 2007-09 and 2009-11 bienniums to be transferred to state aid,
- Provides a contingency source of funds in the event of a cost over-run

HB 1400 Summary

Professional Development

- Authorizes up to four early dismissal days during the school year for teacher collaboration and professional development
  - Begins with the 2010-2011 school year
  - Recognize the days as a full contact and employment days
- Increases the number of student contact days from 173 to 174
  - Begins in 2010-2011
  - Offsets the four early dismissal days
- Requests if resources allow, an additional contact day and an additional professional development day

HB 1400 Summary
Professional Development

- Provides for proper monitoring and making effective existing requirement of a Professional Development Plan for every school district for accreditation
  - Recommends that an administrator in DPI be assigned this responsibility , and
  - Should be guided by a Professional Development Advisory Committee

HB 1400 Summary
Professional Development

- Expands the mentorship grant program by
  - Providing $2,300,000 to the Education Standards and Practices Board for mentorship grants to
  - Train protégé teachers that are in their first year of K-12 instruction
- Provides matching grant support to three pilot programs to initiate model instructional coaching activities
  - Appropriates $500,000 in Year 2 to
  - covers the state's proportionate share of the cost of hiring and placing instructional coaches

HB 1400 Summary

Student Performance Strategies

- Of the 15 distinct elements identified as providing an adequate education the Commission found:
  - North Dakota currently does a reasonable job of covering 9 of the elements
  - 3 of the elements were not applicable to situations in ND schools
  - 3 were found worth advancing in North Dakota's schools
    - Instructional coaches and mentors for professional development;
    - Tutors for struggling students; and
    - Additional counselors and career advisors

HB 1400 Summary

Student Performance Strategies

Bill's provisions for enhancing student Performance:

- Provides $2,300,000 to the ESPB for mentorship grants to train new teachers
- Provides matching grants of $500,000 to three pilot programs to initiate model instructional coaching activities
- Provides state funding for one FTE licensed teacher to serve as a tutor for every 400 students in ADM in grades K-3
  - Starts with the 2010-2011 school year
  - Allows districts with adequate tutoring services to substitute instructional coaches

HB 1400 Summary

Student Performance Strategies

- Sets staffing level for counselors in an accredited school district at one FTE counselor for every 300 students in grades 7-12 (was 1:450)
  - Provides in NDCC a new sub-category of counselors called "career advisors"
    - "Provides a different credential for "career advisors certified by the Department of Career and Technical Education (CTE)
    - Allows school districts to fill up to one third of the required counselor positions in grades 7-12
- Includes $390,000 in the CTE budget to provide the necessary training and certification of the new career advisors.
- Includes $123,618 (DPI) budget to monitor accreditation requirements of counseling staffs including the role of the new "career advisors"

HB 1400 Summary

Curriculum

- Creates a new "Merit" diploma for all high school graduates which sets new state requirements of:
  - Three units of mathematics,
  - Three units of science, and
  - Three units of focused electives that emphasize languages, fine arts, and career and technical education
  - Sets 22units for as the minimum units needed for graduation
- Provides for an "optional high school curriculum" requirement for students who:
  - After two years of high school have failed at least three one-half units of the courses required for graduation, or
  - Has a GPA at or below the 25th percentile of other students in the same district and grade,
  - Has met with the students career advisor, guidance counselor, or principal and the student's parents to determine if student is permitted to pursue an optional curriculum

HB 1400 Summary

Curriculum

- Provides for a Merit Scholarship with Technical Honors which requires students to:
  - Complete one unit of algebra II as part of the 3 unit math requirement
  - Complete two units of a coordinated plan of study recommended by CTE
  - Obtain a "C" or better in each unit or ½ unit required for the diploma
  - Obtain a cumulative GPA of at least a "B", and
  - Receive at least a 24 on the ACT, 20 on WorkKeys, or 1100 on the SAT
- Provides for a Merit Scholarship with Academic Honors which requires students to:
  - Complete one unit of algebra II as part of the 4 unit math requirement
  - Complete one additional unit of math for which algebra II is a prerequisite
  - Complete two units of the same foreign or native American language, fine arts. or career and technical education
  - Obtain a "C" or better in each unit or ½ unit required for the diploma
  - Obtain a cumulative GPA of at least a "B", and
  - Receive at least a 24 on the ACT, 20 or 1100 on the SAT reading/math portions
  - Completes 1 unit of advanced placement course and examination or a dual –credit course

HB 1400 Summary

Curriculum

- Students receiving a Technical or Academic Merit Scholarship would be provided by the State Board of Education:
  - A $750 scholarship for each semester the student is enrolled as a full time student in an accredited institution in North Dakota
  - Students cannot receive more than $6,000

HB 1400 Summary

Assessments

- Requires every school district in ND to annually administer an "interim" assessment such as the "Measure of Academic Progress" tests or any other "interim" assessment approved by the NDDPI in grades 2-10
- Requires every school district to provide a "career interest inventory" at least one time during the period of grades 7-10
- Requires each student in grade 11 to take one of the following summative tests: the ACT, the SAT, or WorkKeys
- Recommends the state should include in the state aid formula the full cost of the summative assessment and 50 percent of the cost of the formative assessment

HB 1400 Summary

Summer School

- Provides Summer school at the elementary and middle level for:
  - Remedial mathematics K-8
  - Remedial reading K-8
  - Mathematics to any student grades 5-9
  - Reading to any student in grades 5-9
  - Science to any student in grades 5-9
- Provides Summer school for any other high school summer school courses that satisfy requirements for graduation

HB 1400 Summary

Information Technology and Student Data

- Supports the Information Technology Department (ITD) requests for:
  - PowerSchool - $936,638
  - Longitudinal Data System -$2,038,036
  - Wide Area Network Bandwith - $1,200,000, and
  - Center for Distance Education - $100,000
- Requires all school districts to use the PowerSchool system by September of 2010 unless they are exempted by the Director of ITD

HB 1400 Summary

Transportation Grants

- Increases transportation grants by $5,000,000 from $33,500,000 to $38,500,000
- Sets per mile and per ride are set at:
  - $0.81/mile for schoolbuses with capacity of 10 or more students
  - $0.42/mile for vehicles with a capacity of 9 or less
  - $0.22/student for each one-way trip for students participating in an early childhood program
- Uses the latest available student enrollment count in each school district in applying the provisions of transportation formula as it existed on June 30, 2001

HB 1400 Summary
Teacher Compensation

- Continues directive for 70% of "new money" in state aid increases go to increase teacher salaries
- Determined by subtracting the 2009-11 per student payments from comparable 2007-09 funding
- Does not include transportation, mill levy reduction, REA, and contingency payments

HB 1400 Summary
Deferred Maintenance Grants

- State general fund balance exceeding projections by $30 million triggers grant money
- $10 million "earmarked" for grants
- Eligibility for districts:
  - required a minimum 150 general fund levy in 2008
  - Must provide a monetary match
- $10,000 plus a prorated share of the remaining appropriation based on ADM

HB 1400

Budget Summary

PER STUDENT FUNDING INCREASES	
MAIN FUNDING FORMULA AT $3,420 YEAR 1 and $3,779 YEAR 2	$ 93,300,000
◦ *Includes:*	
▪ *Cost to continue equity payment at $4,000,000;*	
▪ Cost to continue kindergarten at $12,000,000;	
▪ New at risk factor at $10,000,000	
PRE-K FACTOR IN 2ND YEAR OF .20	$ 3,500,000
▪ 7,000 eligible 4 year-olds x 70% participation x $3,600/student	
▪ x .20 factor for 2 half-days per week; Year 2 start-up	
ONE EXTRA DAY	$ 3,680,000
▪ 1/180 x $7,200 x 92,000 ADM (Year 2)	
TUTORS AT 1 PER 400 ADM IN GRADES K-3 (YEAR 2)	$ 3,780,000
▪ 70 FTE x $54,000 = $3,780,000	
CAREER ADVISORS: 1 COUNSELOR PER 300 ADM GRADES 7-12	$ 2,700,000
▪ 50 FTE x $54,000 = $2,700,000 (Year 2)	
REIMBURSEMENT FOR REQUIRED ASSESSMENTS	$ 1,000,000
REGIONAL EDUCATION ASSOCIATIONS (BASE ADM)	$ 2,600,000
	$ 110,560,000

HB 1400

Budget Summary

GRANT PROGRAM INCREASES	
MENTORING PROGRAM	$ 2,300,000
INSTRUCTIONAL COACHING PILOT PROJECT	$ 500,000
REA BASE GRANTS	$ 400,000
INCREASE IN TRANSPORTATION PAYMENTS	$ 5,000,000
	$ 8,200,000

TOTAL INCREASE K-12 FUNDING	
	$ 118,760,000
OPTIONAL FUNDING PRIORITIES	
POWERSCHOOL, WAN, LDS, AND CDE	
STAFFING AND SUPPORT	$ 3,966,000
EACH ADDITIONAL CALENDAR DAY FULLY FUNDED	$ 3,680,000

HB 1400
26 Jan 09

Bill Summary
HB 1400

Section 1: Provides a program of certification by the Department of Career and Technical Education for the new "career advisor" positions created in Section 4 of the bill. Career advisors are considered a sub-category of the school counselors required by state law. A career advisor must hold a baccalaureate degree, have a five-year employment history, and successfully complete the program requirements of the Department of Career and Technical Education.

Section 2: Allows the Department of CTE to grant a provisional certification for a "career advisor" in order to phase in this new position in the first two years. Provisional certification may be granted if the individual holds a baccalaureate degree, has a five-year employment history, completes an orientation program and provides the Department of CTE with a plan for completing the departments' programmatic requirements within a two-year period.

Section 3: Changes the requirements of the school calendar in the second year of the biennium from 180 days to 181 days and from 173 days of instruction to 174 days of instruction. All other requirements remain the same. This change offsets the provisions of subsection 5b, which allows 4 days of early dismissal during the school year for the purpose of professional development activities such as teacher collaboration. These 4 days are considered full instruction days and are counted toward the 174 day requirement. Under normal circumstances, students would be dismissed at 1:30 pm and professional development activities would take place until 4:00 pm.

Section 4: The requirement for counselor staffing is increased from one counselor for every 400 students in grades 7-12 to one counselor for every 300 students in grades 7-12. At the same time authority is granted for up to one-third of all required counselor positions to be filled by the new "career advisors". A "career advisor" is defined as an individual who holds a permanent or provisional certification from the Department of CTE.

Section 5: Outlines the duties of the new "career advisor" position on the school district staff.

Section 6: Requires the presence of a "student performance strategist" in the ratio of one individual for every 400 students in grades K-3. A "student performance strategist" is

defined as either a tutor of K-3 students or an instructional coach of other teachers, and the individual must be certified as an elementary school teacher.

Section 7: Provides that the state funds allocated in the Funding Formula to a school district due to its participation in a Regional Education Association are payable directly to the appropriate REA.

Section 8: Requires that each school district adopt a professional development plan and submit a copy of the plan to the Superintendent. The Superintendent is required to review the plan for completeness, effectiveness in improving quality of instruction, and implementation. The Superintendent must appoint an advisory committee to review professional development plans, determining overall best practices to recommend, and recommending measures to improve the quality of professional development.

Section 9: Changes the number of required courses to be offered in high school from two units to three units of foreign or Native American languages, at least two of which must be the same language.

Section 10: The number of required unites for graduation is set at 22 units and includes 3 units of mathematics, 3 units of science, and 3 units of focused electives in languages, fine arts, or career and technical education.

Section 11: A merit scholarship with technical honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; in lieu of the units of focused electives required in subsection 6 of section 10, completes 2 units of a coordinated plan of study recommended by the department of CTE and approved by DPI, and completes 3 additional units with 2 units in the area of career and technical education; obtains a grade of "C" or better in each course required for the scholarship; obtains a cumulative grade point of at least "B"; and receives a composite score of 24 on the ACT or 1100 on the reading and math portions of SAT or a score of 20 on the Work Keys.

Section 12: A merit scholarship with academic honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; completes one additional unit of mathematics for which algebra II is a prerequisite; in lieu of the units of focused electives required in subsection 6 of section 10, completes two units of the same foreign or native American language, one unit of fine arts or career and technical education, and one additional unit of language, fine arts, or cte; obtains a grade of at least "C" in each course required for the scholarship; obtains a cumulative grade point of at least "B"; received

a composite score of 24 on the ACT or 1100 on the reading and math portions of the SAT; and completes one unit of an advanced placement course with examination or a dual-credit course.

Section 13: Qualifying students receive a "merit scholarship" of $750 for each semester they are enrolled full time at an accredited college in the state, up to a maximum of $6000 per student. A student is not required to be enrolled in consecutive semesters, but is eligible only for six academic years after high school graduation. The student must be a North Dakota high school graduate or reciprocity student.

Section 14: If after completing at least two years of high school a student has failed to pass at least three semester courses or has a grade point average in the bottom one-fourth of the class, the student may request a meeting with their guidance counselor and their parent to determine if the student should be permitted to pursue an optional high school curriculum. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing ~~22~~ 21 units with the following requirements: 4 units of English language arts; 2 units of mathematics; 2 units of science; 3 units of social studies; 1 unit of physical education or phy ed/health; 2 units of languages, fine arts, or cte courses; and any 7 additional units.

Section 15: Clarifies that summer school courses eligible for reimbursement are: 1) remedial mathematics and remedial reading for students in grades K-8; 2) mathematics, reading, science, and social studies for students in grades 5-9; 3) any other high school courses required for graduation that are considered equivalent to regular courses and comply with rules adopted by the Superintendent.

Section 16: Requires each school district to administer annually to students in grades 2-10 the Measures of Academic Progress, or MAP, test or any other interim assessment approved by the Superintendent.

Section 17: Requires school districts to administer to students, at least once during their enrollment in grades 7-10, a career interest inventory recommended by the department of CTE and approved by DPI.

Section 18: Requires each student in grade eleven to take the ACT, the SAT, or WorkKeys. The student may decide which assessment to take, and the student's school district is responsible for the cost. The student's advisor is required to meet with the student to review

the results. A school district superintendent may exempt a student under certain circumstances. Funds are provided in the state aid line item to cover the entire cost.

Section 19: Certain factors in the school funding formula are changed as follows:

1) .20 times the number of students who test least proficient on the approved ELL assessment;
2) .05 times the number of students who test not proficient on the approved ELL assessment;
3) .02 times the number of students who test somewhat proficient on the approved ELL assessment;
4) .20 times the number of students enrolled, beginning in 2010-11, in an approved early childhood education program that provides at least two half days of instruction during each week;
5) .07 times the number of students enrolled in ADM to support the provision of special education services;
6) .05 times the number of students representing the percentage of students eligible for free and reduced lunch in the district, determined by the three year average percentage of students in grades 3-8;
7) .004 times the number of students enrolled in ADM in a district that is participating in an REA.

Section 20: The per student payment rate for the first year of the biennium is $3420. The per student payment rate for the second year of the biennium is $3779.

Section 21: Provides that the payments for students enrolled in an early childhood education program in the 2010-11 school year is based on the district's 2010 fall enrollment count.

Section 22: Provides that the state aid payable to a district per weighted student unit for the 2009-10 school year must be no less than 108% of the baseline funding per weighted unit established in the last year prior to the reforms of the funding formula. Also provides that the state aid per wsu for the 2010-11 school year must be no less than 112.5% of the baseline funding per wsu. Furthermore, this section provides that the state aid payable per wsu for the 2009-10 school year, less any equity payments, must not exceed 120% of the baseline funding per wsu. Also provides that the state aid payable per wsu for the 2010-11 school year, less any equity payments, must not exceed 134% of the baseline funding per wsu.

Section 23: Removes the obsolete language regarding the equity payment. Also clarifies that the equity payment in the future is computed as the district's valuation deficiency times the lesser of 185 mills or the district's general funding levy for the taxable year 2008. This change is necessitated by the proposed mill levy reduction program which will have variable effects on general fund levies.

Section 24: Provides a hold harmless clause to any reorganized school district ensuring that their equity payment will not decrease for a period of two years because of the reorganization.

Section 25: Provides a similar hold harmless clause for school districts undergoing dissolution.

Section 26: Makes current statutes regarding summer school compatible with the language of Section 15.

Section 27: Clarifies that the calculation of average daily membership is based on 180 days in 2009-10 and 181 days in 2010-11, or the school district's calendar, whichever is greater. Also removes obsolete language regarding Kindergarten ADM.

Section 28: Authorizes the continuation of the Commission on Education Improvement. The membership is expanded to include the chancellor of higher education and a representative of the state's employers. Each member that is not a public official is entitled to receive per diem plus reimbursement for expenses. The duties of the commission are revised to examine the elements necessary to move students seamlessly and without remediation from high schools to institutions of higher education and to employment in the state. Further, the commission will follow the initiatives proposed in HB 1400 to improve student performance, and will develop new recommendations to ensure continued improvement. The Commission will also pursue new initiatives to improve the quality of instruction in North Dakota.

Section 29: Revises the definition of special education "excess costs", which are paid by the state, to those costs that exceed 4 times the state average cost of education, rather then the current 4 ½ times.

Section 30: Creates a North Dakota early childhood learning council, which is now required by federal regulations for any state that administers a Head Start program. It provides for staggered three-year terms and a remedy for vacancies.

Section 31: Outlines the duties of the ND early learning council including a review of opportunities for public and private sector collaboration in the delivery of early childhood education, development of a comprehensive plan for the state, and a biennial report to the governor and legislature.

Section 32: Provides for reimbursement for expenses of council members. Funds for council member expenses are provided in the DPI budget bill.

Section 33: Eliminates the prohibition against provision of per student funding for pre Kindergartner programs.

Section 34: Establishes three prerequisites for eligibility for per student payments to an early childhood education program:

1) A screening test to determine developmental readiness;
2) A limitation to students who have reached the age of four before September 1st; and
3) The program must be operated by or on behalf of a school district.

Section 35: Re-enacts the language adopted by the 60th legislative assembly that all new funds distributed to a school district by the state each year, not including equity payments, transportation payments, mill levy reduction payments, rural education participation payments, or contingency distributions, must dedicate no less than 70% of the total funds to increased teacher compensation.

Section 36: Increases reimbursement rates for transportation, at an increased cost of $5,000,000 over the amount distributed in 2007- 2009, as follows:

1) Increases the per mile rate for school buses with a capacity of ten or more operating within city limits from 51½¢ to 81¢;
2) Increases the per mile rate for school buses with a capacity of ten or more operating in rural areas from 73½¢ to 81¢;
3) Increases the per mile rate for school buses with a capacity of nine or less from 40¢ to 42¢;
4) Increases the per student payment for a one-way trip from 20¢ per student to 22¢ per student.

Section 37: Re-enacts the language adopted by the 60th legislative assembly regarding reorganization planning grants.

Section 38: Provides a base level grant of $25,000 to each rural education association in addition to the formula factor, funded from the state school aid line of the DPI budget.

Section 39: Provides a special recalculation of the baseline funding amount for a school district that received an unusually large amount of federal aid in 2006-07, the baseline year, and as a result lost state aid during the 2007-09 biennium. This special provision allows the district to use the average amount of federal impact aid received during the 2005-06 and 2006-07 school years. It also provides a distribution of funds to the district equal to the difference in state aid for 2007-09 resulting from the recalculation.

Section 40: Outlines requirements for the deferred maintenance grants that are funded in the DPI budget bill.

Section 41: Provides that any surplus funds appropriated to the special education grants line for 2007-09 be added to the state school aid line item for 2007-09. All prior provisions regarding the contingent use of funds remaining in the state school aid line remain the same.

Section 42: Provides that any surplus funds appropriated to the special education grants line for 2009-11 be added to the state school aid line item for 2009-11.

Section 43: If there are insufficient funds to cover the excess costs of special education students statewide, the industrial commission shall transfer from the Bank of North Dakota the amount necessary to cover the required costs, and the Superintendent shall introduce legislation to return the deficient amount to the Bank of North Dakota.

Section 44: Repeals 15.1-2-02.2 regarding current high school graduation requirements; repeals 15.1-27-20.1 regarding the minimum mill levy offset; and repeals 15.1-38-01.2 regarding the definition of a new immigrant English language learner.

Section 45: Provides that Section 41 regarding the transfer of 2007-09 surplus funds for special education contracts to the state aid line item be considered an emergency measure.

March 9, 2009

Bill Summary
HB 1400

Section 1: Provides a program of certification by the Department of Career and Technical Education for the new "career advisor" positions created in Section 4 of the bill. Career advisors are considered a sub-category of the school counselors required by state law. A career advisor must hold a baccalaureate degree, have a five-year employment history, and successfully complete the program requirements of the Department of Career and Technical Education.

Section 2: Allows the Department of CTE to grant a provisional certification for a "career advisor" in order to phase in this new position in the first two years. Provisional certification may be granted if the individual holds a baccalaureate degree, has a five-year employment history, completes an orientation program and provides the Department of CTE with a plan for completing the departments' programmatic requirements within a two-year period.

Section 3: Changes the requirements of the school calendar in the second year of the biennium from 180 days to 181 days and from 173 days of instruction to 174 days of instruction. All other requirements remain the same. This change offsets the provisions of subsection 5b page 4, which allows 4 days of early dismissal during the school year for the purpose of professional development activities such as teacher collaboration. These 4 days are considered full instruction days and are counted toward the 174 day requirement. Under normal circumstances, students would be dismissed at 1:30 pm and professional development activities would take place until 4:00 pm.

Section 4: The requirement for counselor staffing is increased from one counselor for every 400 students in grades 7-12 to one counselor for every 300 students in grades 7-12. At the same time authority is granted for up to one-third of all required counselor positions to be filled by the new "career advisors". A "career advisor" is defined as an individual who holds a permanent or provisional certification from the Department of CTE.

Section 5: Outlines the duties of the new "career advisor" position on the school district staff.

Section 6: Requires the presence of a "student performance strategist" in the ratio of one individual for every 400 students in grades K-3. A "student performance strategist" is

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defined as either a tutor of K-3 students or an instructional coach of other teachers, and the individual must be certified as an elementary school teacher.

Section 7: Provides that the state funds allocated in the Funding Formula to a school district due to its participation in a Regional Education Association are payable directly to the appropriate REA.

Section 8: Requires that each school district adopt a professional development plan and submit a copy of the plan to the Superintendent. The Superintendent is required to review the plan for completeness, effectiveness in improving quality of instruction, and implementation. The Superintendent must employ the services of an advisory committee in reviewing professional development plans, determining overall best practices to recommend, and recommending measures to improve the quality of professional development.

Section 9: Provides that Native American languages may be included in the required language offerings in high schools.

Section 10: The number of required units for graduation is set at 22 units and includes 3 units of mathematics, 3 units of science, and 3 units of focused electives in languages, fine arts, or career and technical education.

Section 11: A merit scholarship with technical honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; in lieu of the units of focused electives required in subsection 6 of section 10, completes 2 units of a coordinated plan of study recommended by the department of CTE and approved by DPI, and completes 3 additional units with 2 units in the area of career and technical education; obtains a grade of "C" or better in each course required for the scholarship; obtains a cumulative grade point of at least "B"; and receives a composite score of 24 on the ACT or 1100 on the reading and math portions of SAT or a score of 20 on the Work Keys.

Section 12: A merit scholarship with academic honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; completes one additional unit of mathematics for which algebra II is a prerequisite; in lieu of the units of focused electives required in subsection 6 of section 10, completes two units of the same foreign or native American language, one unit of fine arts or career and technical education, and one additional unit of language, fine arts, or cte; obtains a grade of at least "C" in each course required for the scholarship; obtains a cumulative grade point of at least "B"; received a composite score of 24 on the ACT or 1100 on the reading and math portions of the SAT; and completes one unit of an advanced placement course with examination or a dual-credit course.

Section 13: Qualifying students receive a "merit scholarship" of $750 for each semester they are enrolled full time at an accredited college in the state, up to a maximum of $6000 per student. A student is not required to be enrolled in consecutive semesters, but is eligible only for six academic years after high school graduation. The student must be a North Dakota high school graduate or reciprocity student.

Section 14: If after completing at least two years of high school a student has failed to pass at least three semester courses or has a grade point average in the bottom one-fourth of the class, the student may request a meeting with their guidance counselor and their parent to determine if the student should be permitted to pursue an optional high school curriculum. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing 21 units with the following requirements: 4 units of English language arts; 2 units of mathematics; 2 units of science; 3 units of social studies; 1 unit of physical education or phy ed/health; 2 units of languages, fine arts, or cte courses; and any 7 additional units.

Section 15: Adds requirements for social studies and health education curriculum and requires that every high school offer a personal Finance course (House Education Amendment). added by House Edu.

Section 16: Clarifies that summer school courses eligible for reimbursement are: 1) remedial mathematics and remedial reading for students in grades K-8; 2) mathematics, reading, science, and social studies for students in grades 5-9; 3) any other high school courses required for graduation that are considered equivalent to regular courses and comply with rules adopted by the Superintendent.

Section 17: Requires each school district to administer annually to students in grades 2-10 the Measures of Academic Progress, or MAP, test or any other interim assessment approved by the Superintendent.

Section 18: Requires school districts to administer to students, at least once during their enrollment in grades 7-10, a career interest inventory recommended by the department of CTE and approved by DPI.

Section 19: Requires each student in grade eleven to take the ACT, the SAT, or WorkKeys. The student may decide which assessment to take, and the student's school district is responsible for the cost. The student's advisor is required to meet with the student to review

the results. A school district superintendent may exempt a student under certain circumstances. Funds are provided in the state aid line item to cover the entire cost.

Section 20: Each student pursuing a GED diploma may take the ACT, SAT, or WorkKeys assessment at state expense (House Education amendment).

Section 21: Certain factors in the school funding formula are changed as follows:

1) .20 times the number of students who test least proficient on the approved ELL assessment;
2) .05 times the number of students who test not proficient on the approved ELL assessment;
3) .02 times the number of students who test somewhat proficient on the approved ELL assessment;
4) .20 times the number of students enrolled, beginning in 2010-11, in an approved early childhood education program that provides at least two half days of instruction during each week; (removed by House)
5) .07 times the number of students enrolled in ADM to support the provision of special education services;
6) .05 times the number of students representing the percentage of students eligible for free and reduced lunch in the district, determined by the three year average percentage of students in grades 3-8;
7) .004 times the number of students enrolled in ADM in a district that is participating in an REA.

Section 22: The per student payment rate for the first year of the biennium is $3420. The per student payment rate for the second year of the biennium is $3779.

Section 23: Provides that the state aid payable to a district per weighted student unit for the 2009-10 school year must be no less than 108% of the baseline funding per weighted unit established in the last year prior to the reforms of the funding formula. Also provides that the state aid per wsu for the 2010-11 school year must be no less than 112.5% of the baseline funding per wsu. Furthermore, this section provides that the state aid payable per wsu for the 2009-10 school year, less any equity payments, must not exceed 120% of the baseline funding per wsu. Also provides that the state aid payable per wsu for the 2010-11 school year, less any equity payments, must not exceed 134% of the baseline funding per wsu.

Section 24: Removes the obsolete language regarding the equity payment. Also classifies that the equity payment in the future is computed as the district's valuation deficiency times the

lesser of 185 mills or the district's general funding levy for the taxable year 2008. This change is necessitated by the proposed mill levy reduction program which will have variable effects on general fund levies.

Section 25: Provides a hold harmless clause to any reorganized school district ensuring that their equity payment will not decrease for a period of two years because of the reorganization.

Section 26: Provides a similar hold harmless clause for school districts undergoing dissolution.

Section 27: Makes current statutes regarding summer school compatible with the language of Section 15.

Section 28: Clarifies that the calculation of average daily membership is based on 180 days in 2009-10 and 181 days in 2010-11, or the school district's calendar, whichever is greater. Also removes obsolete language regarding Kindergarten ADM.

Section 29: Authorizes the continuation of the Commission on Education Improvement. The membership is expanded to include the chancellor of higher education and a representative of the state's employers. Each member that is not a public official is entitled to receive per diem plus reimbursement for expenses. The duties of the commission are revised to examine the elements necessary to move students seamlessly and without remediation from high schools to institutions of higher education and to employment in the state. Further, the commission will follow the initiatives proposed in HB 1400 to improve student performance, and will develop new recommendations to ensure continued improvement. The Commission will also pursue new initiatives to improve the quality of instruction in North Dakota.

Section 30: Revises the definition of special education "excess costs", which are paid by the state, to those costs that exceed 4 times the state average cost of education, rather then the current 4 ½ times.

Section 31: Creates a North Dakota early childhood learning council, which is now required by federal regulations for any state that administers a Head Start program. It provides for staggered three-year terms and a remedy for vacancies.

Section 32: Outlines the duties of the ND early learning council including a review of opportunities for public and private sector collaboration in the delivery of early childhood

education, development of a comprehensive plan for the state, and a biennial report to the governor and legislature.

Section 33: Provides for reimbursement for expenses of council members. Funds for council member expenses are provided in the DPI budget bill.

Section 34: Eliminates the prohibition against provision of per student funding for Pre-Kindergarten programs.

Section 35: Establishes three requirements for operation of an early childhood education program:

1) *Students in the program are not enrolled in Kindergarten;*
2) *Students have reached the age of four before September 1st; and*
3) *Enrollment of a student in the program is voluntary.*

Section 36: A school district may operate an early childhood education program in a public school building or any other setting meeting regulations.

Section 37: A school district may receive any state or Federal Funds specifically appropriated for early childhood education and gifts or grants. A school district may not use any state Funds appropriated for Special Ed Pre-K or K-12 for Pre-K programs (House Education amendment).

Section 38: To be eligible for state Pre-K grants a school district must establish an advisory council, use an application process, give admission priority to free and reduced lunch eligible students, limit class sizes to 20 students, provide a program equal to at least 90 days of instruction, and meet other requirements (House education amendment).

Section 39: Establishes the membership and duties of a school district's early childhood advisory council.

Section 40: Appropriates $1,500,000 for grants to school districts operating an early childhood education program.

Section 41: Appropriates $2,300,000 to the education standards and practices board for a mentorship grant program to select and train experienced teachers to serve as mentors for first-year teachers.

Section 42: Appropriates $500,000 to provide 3 grants for instructional coaching programs to be matched by the school district.

Section 43: Appropriates $2,000,000 for additional transportation payments to school districts.

Section 44: Re-enacts the language adopted by the 60th legislative assembly that all new funds distributed to a school district by the state each year, not including equity payments, transportation payments, mill levy reduction payments, rural education participation payments, or contingency distributions, must dedicate no less than 70% of the total funds to increased teacher compensation.

Section 45: Increases reimbursement rates for transportation, at an increased cost of $5,000,000 over the amount distributed in 2007- 2009, as follows:

1) Increases the per mile rate for school buses with a capacity of ten or more operating within city limits from 51½¢ to 81¢;
2) Increases the per mile rate for school buses with a capacity of ten or more operating in rural areas from 73½¢ to 81¢;
3) Increases the per mile rate for school buses with a capacity of nine or less from 40¢ to 42¢;
4) Increases the per student payment for a one-way trip from 20¢ per student to 22¢ per student.

Section 46: Re-enacts the language adopted by the 60th legislative assembly regarding reorganization planning grants.

Section 47: Provides a base level grant of $25,000 to each rural education association in addition to the formula factor, funded from the state school aid line of the DPI budget.

Section 48: Provides a special recalculation of the baseline funding amount for a school district that received an unusually large amount of federal aid in 2006-07, the baseline year, and as a result lost state aid during the 2007-09 biennium. This special provision allows the district to use the average amount of federal impact aid received during the 2005-06 and 2006-07 school years. It also provides a distribution of funds to the district equal to the difference in state aid for 2007-09 resulting from the recalculation.

Section 49: Outlines requirements for the deferred maintenance grants that are funded in the DPI budget bill.

Section 50: Provides that any surplus funds appropriated to the special education grants line for 2007-09 be added to the state school aid line item for 2007-09. All prior provisions regarding the contingent use of funds remaining in the state school aid line remain the same.

Section 51: Provides that any surplus funds appropriated to the special education grants line for 2009-11 be added to the state school aid line item for 2009-11.

Section 52: If there are insufficient funds to cover the excess costs of special education students statewide, the industrial commission shall transfer from the Bank of North Dakota the amount necessary to cover the required costs, and the Superintendent shall introduce legislation to return the deficient amount to the Bank of North Dakota.

Section 53: Repeals 15.1-2-02.2 regarding current high school graduation requirements; repeals 15.1-27-20.1 regarding the minimum mill levy offset; and repeals 15.1-38-01.2 regarding the definition of a new immigrant English language learner.

Section 54: Provides that Section 10 regarding new high school graduation requirements becomes effective July 1, 2010.

Section 55: Provides that *Section 50* regarding the transfer of 2007-09 surplus funds for special education contracts to the state aid line item be considered an emergency measure.

March 23, 2009

Bill Summary
HB 1400

Section 1: Provides a program of certification by the Department of Career and Technical Education for the new "career advisor" positions created in Section 4 of the bill. Career advisors are considered a sub-category of the school counselors required by state law. A career advisor must hold a baccalaureate degree, have a five-year employment history, and successfully complete the program requirements of the Department of Career and Technical Education.

Section 2: Allows the Department of CTE to grant a provisional certification for a "career advisor" in order to phase in this new position in the first two years. Provisional certification may be granted if the individual holds a baccalaureate degree, has a five-year employment history, completes an orientation program and provides the Department of CTE with a plan for completing the departments' programmatic requirements within a two-year period. The Commission recommends the addition of one position in CTE to administer this training program.

Section 3: *Requires the Department of Public Instruction and the Department of Human Services to inform new school enrollees of the Children's Health Insurance Program (CHIP). The goal is to encourage children who are eligible to enroll in the program. (Senate Education Amendment)*

Section 4: *Federal Stimulus Dollars. Requires the Superintendent of Public Instruction to notify the Superintendent and School Board of each district that any federal stimulus money should be treated as one-time nonrecurring expenditures because the state is NOT responsible for replacing that level of funding or otherwise sustaining that level of funding during that 2011-2013 biennium. (Senate Education Amendment)*

Section 5: *Requires one additional professional development day (total of 3) and one additional student contact day per year starting with the second year of the biennium compared to current requirements for a total of 182 days. (Senate Education Amendment)* The Commission on Education Improvement recommended changing the school calendar in the second year of the biennium from 180 days to 181 days and from 173 days of instruction to 174 days of instruction. This change offset the provisions of another recommendation which allowed 4 days of early dismissal during the school year for the purpose of professional development activities such as teacher collaboration. These 4 days are considered full instruction days and are counted toward the

174 day requirement. Under normal circumstances, students would be dismissed at 1:30 pm and professional development activities would take place until 4:00 pm.

Section 6: The requirement for counselor staffing is increased from one counselor for every 400 students in grades 7-12 to one counselor for every 300 students in grades 7-12. At the same time authority is granted for up to one-third of all required counselor positions to be filled by the new "career advisors". A "career advisor" is defined as an individual who holds a permanent or provisional certification from the Department of CTE. $2.7 million was added to the student aid line to cover the entire cost of this change, which is also specifically covered by the economic stimulus funds.

Section 7: Outlines the duties of the new "career advisor" position on the school district staff.

Section 8: Requires the presence of a "student performance strategist" in the ratio of one individual for every 400 students in grades K-3. A "student performance strategist" is defined as either a tutor of K-3 students or an instructional coach of other teachers, and the individual must be certified as an elementary school teacher.

Section 9: Provides that the state funds allocated in the Funding Formula to a school district due to its participation in a Regional Education Association are payable directly to the appropriate REA.

Section 10: *(Replaces Section 42) Creates an endowment fund from which the income will be used to pay for individual grants for the National Teacher Certification. Applicants are eligible for up to $2,500 to pay for their certification program. Grant recipients will be required to act as a mentor for other teachers. The $500,000 recommended by the Commission for instructional coaching is redirected to this purpose and is appropriated in Section 37. (Senate Education Amendment)*

Section 11: Requires that each school district adopt a professional development plan and submit a copy of the plan to the Superintendent. The Superintendent is required to review the plan for completeness, effectiveness in improving quality of instruction, and implementation. The Superintendent must employ the services of an advisory committee in reviewing professional development plans, determining overall best practices to recommend, and recommending measures to improve the quality of professional development. The Commission recommended a position in DPI to oversee the development of professional development plans and curriculum requirements.

Section 12: *Provides that Native American languages may be included in the required language offerings in high schools. (House Education Amendment)*

Section 13: The number of required units for graduation is set at 22 units and includes 3 units of mathematics, 3 units of science, and 3 units of focused electives in languages, fine arts, or career and technical education.

Section 14: If after completing at least two years of high school a student has failed to pass at least three semester courses or has a grade point average in the bottom one-fourth of the class, the student may request a meeting with their guidance counselor and their parent to determine if the student should be permitted to pursue an optional high school curriculum. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing 21 units with the following requirements: 4 units of English language arts; 2 units of mathematics; 2 units of science; 3 units of social studies; 1 unit of physical education or phy ed/health; 2 units of languages, fine arts, or cte courses; and any 7 additional units.

Section 15: A *North Dakota career and technical education scholarship (Senate Education Amendment)* is available to any student who: completes one unit of algebra II as part of the mathematics requirement; in lieu of the units of focused electives required in subsection 6 of section 13, completes 2 units of a coordinated plan of study recommended by the department of CTE and approved by DPI, and completes 3 additional units with 2 units in the area of career and technical education; obtains a grade of "C" or better in each course required for the scholarship; obtains a cumulative grade point of at least "B"; and receives a composite score of 24 on the ACT or 1100 on the reading and math portions of SAT or a score of 20 on the Work Keys.

Section 16: A *North Dakota academic scholarship (Senate Education Amendment)* is available to any student who: completes one unit of algebra II as part of the mathematics requirement; completes one additional unit of mathematics for which algebra II is a prerequisite; in lieu of the units of focused electives required in subsection 6 of section 13, completes two units of the same foreign or native American language, one unit of fine arts or career and technical education, and one additional unit of language, fine arts, or cte; obtains a grade of at least "C" in each course required for the scholarship; obtains a cumulative grade point of at least "B"; received a composite score of 24 on the ACT or 1100 on the reading and math portions of the SAT; and completes one unit of an advanced placement course with examination or a dual-credit course.

Section 17: Qualifying students receive a "merit scholarship" of $750 for each semester they are enrolled full time at an accredited college in the state, up to a maximum of $6000 per

student. A student is not required to be enrolled in consecutive semesters, but is eligible only for six academic years after high school graduation. The student must be a North Dakota high school graduate or reciprocity student.

Section 18: Clarifies that summer school courses eligible for reimbursement are: 1) remedial mathematics and remedial reading for students in grades K-8; 2) mathematics, reading, science, and social studies for students in grades 5-9; 3) any other high school courses required for graduation that are considered equivalent to regular courses and comply with rules adopted by the Superintendent.

Section 19: Requires each school district to administer annually to students in grades 2-10 the Measures of Academic Progress, or MAP, test or any other interim assessment approved by the Superintendent.

Section 20: Requires school districts to administer to students, *once during their enrollment in grades 7 or 8 and once during their enrollment in grades 9 or 10*, a career interest inventory recommended by the department of CTE and approved by DPI. *(Senate Education Amendment)*

Section 21: Requires each student in grade eleven to take the ACT, the SAT, or WorkKeys. The student may decide which assessment to take, and the student's school district is responsible for the cost. The student's advisor is required to meet with the student to review the results. A school district superintendent may exempt a student under certain circumstances. Funds are provided in the state aid line item to cover the entire cost.

Section 22: *Each student pursuing a GED diploma may take the ACT, SAT, or WorkKeys assessment at state expense. (House Education Amendment)*

Section 23: Certain factors in the school funding formula are changed as follows:

1) *.20 times the number of students who enroll in a new immigrant English language learner program; (Senate Education Amendment as to definition)*
2) *.10 times the number of students enrolled, in an English language learner program; (Senate Education Amendment)*
3) .07 times the number of students enrolled in ADM to support the provision of special education services;
4) .05 times the number of students representing the percentage of students eligible for free and reduced lunch in the district, determined by the three year average percentage of students in grades 3-8;

5) .004 times the number of students enrolled in ADM in a district that is participating in an REA.

Section 24: The per student payment rate for the first year of the biennium is $3420. The per student payment rate for the second year of the biennium is $3779.

Section 25: Provides that the state aid payable to a district per weighted student unit for the 2009-10 school year must be no less than 108% of the baseline funding per weighted unit established in the last year prior to the reforms of the funding formula. Also provides that the state aid per wsu for the 2010-11 school year must be no less than 112.5% of the baseline funding per wsu. Furthermore, this section provides that the state aid payable per wsu for the 2009-10 school year, less any equity payments, must not exceed 120% of the baseline funding per wsu. Also provides that the state aid payable per wsu for the 2010-11 school year, less any equity payments, must not exceed 134% of the baseline funding per wsu.

Section 26: Removes the obsolete language regarding the equity payment. Also classifies that the equity payment in the future is computed as the district's valuation deficiency times the lesser of 185 mills or the district's general funding levy for the taxable year 2008. This change is necessitated by the proposed mill levy reduction program which will have variable effects on general fund levies. *Requires that when other school district revenue, is calculated, 100% of mobile home taxes, telecommunication taxes, and in lieu of payments from electrical power facilities be imputed into an equivalent property tax valuation. (Senate Education Amendment)*

Section 27: Provides a hold harmless clause to any reorganized school district ensuring that their equity payment will not decrease for a period of two years because of the reorganization.

Section 28: Provides a similar hold harmless clause for school districts undergoing dissolution.

Section 29 Makes current statutes regarding summer school compatible with the language of Section 15.

Section 30: Clarifies that the calculation of average daily membership is based on 180 days in 2009-10 and *182* days in 2010-11, or the school district's calendar, whichever is greater. *Sets aside three days for professional development activity. (Senate Education Amendment)* Also removes obsolete language regarding Kindergarten ADM.

Section 31: Authorizes the continuation of the Commission on Education Improvement. The membership is expanded to include the chancellor of higher education, a representative of the state's employers, *and the director of the department of career and technical education. The school business manager position was removed. Per diem will be paid to legislators and the business manager serving on the Commission. Each member that is not a public official is entitled to receive reimbursement for expenses. The school superintendents serving on the Commission will be appointed by the Chairman of the Legislative Council. (Senate Education Amendment)* The duties of the commission are revised to examine the elements necessary to move students seamlessly and without remediation from high schools to institutions of higher education and to employment in the state. Further, the commission will follow the initiatives proposed in HB 1400 to improve student performance, and will develop new recommendations to ensure continued improvement. The Commission will also pursue new initiatives to improve the quality of instruction in North Dakota.

Section 32: Revises the definition of special education "excess costs", which are paid by the state, to those costs that exceed 4 times the state average cost of education, rather then the current 4 ½ times.

Section 33: Creates a North Dakota early childhood learning council, which is now required by federal regulations for any state that administers a Head Start program. It provides for staggered three-year terms and a remedy for vacancies.

Section 34: Outlines the duties of the ND early learning council including a review of opportunities for public and private sector collaboration in the delivery of early childhood education, development of a comprehensive plan for the state, and a biennial report to the governor and legislature.

Section 35: Provides for reimbursement for expenses of council members *and per diem for legislative members. (Senate Education Amendment)* Funds for council member expenses are provided in the DPI budget bill.

Section 36: Appropriates $2,300,000 to the education standards and practices board for a mentorship grant program to select and train experienced teachers to serve as mentors for first-year teachers. *In the absence of first year teachers to mentor, schools can still apply for grants for non-first year teachers. The stipend for teachers being mentored was removed and the administrative expenses are limited to 5% of the appropriation. (Senate Education Amendment)*

Section 37: *Appropriates $500,000 to the Education Standards and Practices Board for the purpose of creating the National Board Certification Fund. (Senate Education Amendment)*

Section 38: *Appropriates $2,000,000 for additional transportation payments to school districts. (House Education Amendment)*

Section 39: Re-enacts the language adopted by the 60th legislative assembly that all new funds distributed to a school district by the state each year, not including equity payments, transportation payments, mill levy reduction payments, rural education participation payments, or contingency distributions, must dedicate no less than 70% of the total funds to increased teacher compensation. *The economic stimulus funds are not subject to the 70% requirements unless it is used on a dollar for dollar basis to postpone state funding increases proposed in the Governor's budget. (Senate Education Amendment)*

Section 40: Increases reimbursement rates for transportation, at an increased cost of *$7,000,000* over the amount distributed in 2007- 2009, as follows:

1) Increases the per mile rate for school buses with a capacity of ten or more operating from 51½¢ to *86¢; (Senate Education Amendment)*
2) Increases the per mile rate for school buses with a capacity of nine or less from 40¢ to 42¢;
3) Increases the per student payment for a one-way trip from 20¢ per student to 22¢ per student.

Section 41: Re-enacts the language adopted by the 60th legislative assembly regarding reorganization planning grants.

Section 42: Provides a base level grant of $25,000 to each rural education association in addition to the formula factor, funded from the state school aid line of the DPI budget.

Section 43: Provides a special recalculation of the baseline funding amount for a school district that received an unusually large amount of federal aid in 2006-07, the baseline year, and as a result lost state aid during the 2007-09 biennium. This special provision allows the district to use the average amount of federal impact aid received during the 2005-06 and 2006-07 school years. It also provides a distribution of funds to the district equal to the difference in state aid for 2007-09 resulting from the recalculation.

Section 44: *Appropriates $10 million and outlines requirements for the deferred maintenance grants as enacted in HB 1400 in 2007. (Senate Education Amendment now mirrors the section as introduced)*

Section 45: Provides that any surplus funds appropriated to the special education grants line for 2007-09 be added to the state school aid line item for 2007-09. All prior provisions regarding the contingent use of funds remaining in the state school aid line remain the same.

Section 46: Provides that any surplus funds appropriated to the special education grants line for 2009-11 be added to the state school aid line item for 2009-11.

Section 47: If there are insufficient funds to cover the excess costs of special education students statewide, the industrial commission shall transfer from the Bank of North Dakota the amount necessary to cover the required costs, and the Superintendent shall introduce legislation to return the deficient amount to the Bank of North Dakota.

Section 48: Repeals 15.1-2-02.2 regarding current high school graduation requirements; repeals 15.1-27-20.1 regarding the minimum mill levy offset; and repeals 15.1-38-01.2 regarding the definition of a new immigrant English language learner.

Section 49: *Provides a sunset clause to the Commission on Education Improvement of December 31, 2010. (Senate Education Amendment)*

Section 50: *Provides that Sections 13 and 14 regarding new high school graduation requirements becomes effective July 1, 2010. (House Education Amendment)*

Section 51: Provides that *Section 45* regarding the transfer of 2007-09 surplus funds for special education contracts to the state aid line item be considered an emergency measure.

#1 HB 1400 26 Jan 09

TESTIMONY ON HB 1400
HOUSE EDUCATION COMMITTEE
January 26, 2009
by Dr. Wayne Sanstead, State Superintendent
(701) 328-4570
Department of Public Instruction

Senate Senate March 9 Senate Education

Chairperson Kelsch, members of the committee, for the record, my name is Dr. Wayne Sanstead, State Superintendent of Public Instruction.

My purpose here today is to lend the formal support of the State Superintendent's Office and the Department of Public Instruction, to House Bill 1400.

House Bill 1400 is an ongoing part of the Governor's Commission on Education Improvement's major reworking of North Dakotas' K-12 funding system which began in 2006. The Department of Public Instruction has been party to two education funding law suits beginning as far back as 1990, regarding serious problems with the states' 1950's school funding formula. The funding formula that we had in the early 90's when the first law suit was filed was a first generation foundation aid program. The funding formula we have today is decidedly new and equitable delivering millions of additional dollars for our K-12 schools.

During the alternate resolution process of the second lawsuit represented by the Governor's Commission on Education Improvement work, the department's firm and clear position was that major changes were needed in the foundation aid formula. At every opportunity throughout that period, members of my staff and I supported making major changes in the formula.

The issues of most consequence addressed in the new formula focused on the great disparity in valuation per student at the local level, large disparities in tax effort for support of schools at the local level, and significant pools of money left

outside the formula. The equity issues were masterfully addressed by the Commission and the 2007 Legislative Assembly by passage of Senate Bill 2200.

North Dakota is among 30 states which have faced suits over educational funding equity and educational adequacy issues. Over the last 10 – 15 years, settlements of lawsuits across the country have focused on achieving equity not as an end product, but as an important starting point in an effort to define education adequacy and to secure funding for what has been defined to be an adequate education.

These lawsuits, in most states, have been severely divisive and costly undertakings which produced results, but left a good deal of hostility and unresolved issues. The fact that the parties to our stayed lawsuit were able to agree on a consensus resolution process was remarkable to say the least. It was essentially a one of a kind effort in the nation to settle this school funding issue. It is a great tribute to the leadership of the plaintiff schools and to our Attorney General and Governor's offices that we were able to find an avenue for resolution that resulted in consensus action between the parties. Today, the second generation of our work is before you in the form of House Bill 1400.

I want to thank my fellow Commission members and particularly Lt. Gov. Jack Dalrymple for their efforts and leadership in working through a very difficult series of adequacy issues to reach a compromise over what are arguably some of the most difficult education centered decisions any state faces. As a member of the Commission who participated in the deliberations and decisions, I fully support House Bill 1400.

I recommend that you as members of the Legislature support the bill as proposed with full expectation and knowledge that additional future work will be necessary. I make that recommendation because after months of work by some of the best national consultants in the country and significant North Dakota education

leaders on these issues, the result is a compromise at best in representing everyone's interests and in fact, well represents a good starting point for moving on to the challenges of further defining education adequacy. That definition serves as the basis for identifying the resources required for adequate funding. In that regard to assist the Education Commission in further defining education adequacy, I'm especially pleased that we will have an expanded Commission with the addition of higher education through the Chancellors Office and the employers of our state through a business sector representative appointed by the Governor.

I believe that some groups may be unhappy with sections of the bill which simply means that the bill represents compromise on many issues and has to be viewed as a package. House Bill 1400 meets many of the major challenges of defining education adequacy. On that basis, I think the most important discussions that begin here today about the future of this bill, will have to do with providing good and clear information about the effects of House Bill 1400.

We also need to clarify what the next steps proposed by the Commission will be as this work continues into the next biennium. If major changes are made to this package it could upset a finely honed balance of interests that were required to reach agreement on the package. I believe this is clearly one of those cases where the best solution may well be the one in which key players have the greatest professional investment and the highest level of ownership. I respectfully ask that you support House Bill 1400 and thereby the recommendations of the Governor's Commission.

HB 1400
26 Jan 07
5

— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

Testimony of Lt. Gov. Jack Dalrymple in support of HB 1400, concering adequacy of school funding

Introduction:

HB 1400 represents the unanimous recommendations of the Commission on Education Improvement regarding the issue of "adequacy" in school funding, as well as other recommendations to further improve equity in school funding.

The school funding lawsuit was settled with the plaintiffs on three conditions: first, that equity in funding be largely achieved through the passage of SB 2200 in 2007; second, that the Commission continue to study the question of "adequacy" in school funding during the 2007-2009 interim period; and three, that the Commission present their recommendations in the form of a bill draft to the 2009 Legislative Assembly.

HB1400 provides a solution to the question of "adequacy of school funding" in three distinct steps:

1) It ensures that combined state and local funding meets the target level recommended by the nation's leading authorities on the subject;

2) It presents a blueprint for the optimum use of those funds to achieve the expected level of student performance;

3) It establishes a means to determine whether the desired student performance is being achieved.

Funding:

HB 1400 provides $110,000,000 in increased per student payments over the current biennium to arrive at total funding in 2010-11 of $7300 per student from state and local sources. This level of funding meets the definition of adequacy recommended by Dr Lawrence Picus and Dr Allan Odden, two of the most recognized national authorities on school funding adequacy. The Commission concurs that the overall funding level recommended is achievable in North Dakota at this time.

-MORE-

Curriculum:

Aside from adequate funding, the next essential element is an adequate curriculum. The Commission believes that North Dakota high schools need to move in the direction of a rigorous core curriculum. Three units of
mathematics, three units of science, and a degree of focus among electives should be required for any student to
achieve a North Dakota high school diploma. The Commission believes this is essential to ensure that graduates are indeed "ready for college and ready for work." In order to prevent an increase in high school dropout rates, struggling students may under certain conditions elect an optional curriculum. In order to encourage greater achievement among students, the Commission recommends a "Merit Scholarship" for students who take additional courses, maintain a certain grade point average, and demonstrate proficiency in a recognized assessment. The scholarship provides up to $6,000 toward college tuition for qualifying graduates.

Quality Instruction:

Aside from adequate funding and adequate curriculum, the next essential element is adequate classroom instruction. This is achieved by focusing financial resources on teacher compensation, establishing a system of mentoring for new teachers, creating a system of instructional coaching for all teachers, and requiring a formal plan for professional development throughout the teaching career.

Assessing Student Performance:

The final essential step in achieving an adequate education is establishing a target level of student performance and then devising the assessment process needed to determine if the target is or is not being achieved. The Commission recommends that a package of formative, interim, and summative assessments be required in order to determine without question how North Dakota students perform relative to other students in the USA.

Early Childhood Education:

The Commission's plan also includes $3.5 million in funding to move forward with a pre-school program for four-year-olds.

Summary:

The Commission on Education Improvement believes that if HB 1400 is enacted into law, it will ensure that every student in North Dakota elementary and secondary schools will receive the necessary resources and tools to guarantee that their education is at least adequate and for the vast majority of students far more than adequate.

-###-

FINAL DRAFT

REPORT TO: GOVERNOR JOHN HOEVEN

and the

NORTH DAKOTA
INTERIM LEGISLATIVE COMMITTEE
ON EDUCATION FINANCE

and the

NORTH DAKOTA
LEGISLATIVE ASSEMBLY

as ordered by

SENATE BILL 2200

(2007 SESSION LAWS)

6-23-09
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FROM: NORTH DAKOTA COMMISSION
ON EDUCATION IMPROVEMENT

LIEUTENANT GOVERNOR JACK DALRYMPLE, CHAIRMAN
WAYNE SANSTEAD, ND SUPERINTENDENT OF PUBLIC INSTRUCTION
JACK MAUS, SUPERINTENDENT, GRAFTON PUBLIC SCHOOL DISTRICT
MARTIN SCHOCK, SUPERINTENDENT, ELGIN/NEW LEIPZIG PUBLIC SCHOOL DISTRICT
PAUL STREMICK, SUPERINTENDENT, DICKINSON PUBLIC SCHOOL DISTRICT
SCOTT PRIVRATSKY, BUSINESS MANAGER, DEVILS LAKE PUBLIC SCHOOL DISTRICT
SENATOR TIM FLAKOLL, SENATE EDUCATION COMMITTEE MEMBER
SENATOR DAVID O'CONNELL, SENATE MINORITY LEADER
REPRESENTATIVE RAEANN KELSCH, HOUSE EDUCATION COMMITTEE CHAIRMAN
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GREG BURNS, EXECUTIVE DIRECTOR, ND EDUCATION ASSOCIATION
MARK LEMER, SPECIAL ADVISOR ON STATE AID FORMULA

January 6, 2009
Bismarck · North Dakota

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Exhibit B Amended Executive Order Creating the North Dakota Commission on Education Improvement

Exhibit C SB 2200 Section 51: Legislative Directive to North Dakota Commission on Education Improvement

Exhibit D Executive Summary from the Picus and Associates study, *Funding Schools Adequately in North Dakota*

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INTRODUCTION

On December 16, 2003, an amended complaint was filed by nine North Dakota school districts requesting that the state's public school finance system be declared unconstitutional. The state has denied and continues to deny the core complaint brought forward by the plaintiffs.

On January 10, 2006, the parties in opposition determined that it was desirable for them to stay the action and provide the North Dakota Legislative Assembly with the opportunity to settle, compromise, and resolve this action on certain terms and conditions. Consequently, the parties executed an "Agreement to Stay Litigation." The document is attached as Exhibit A.

The first condition accepted by both parties was that the Governor issue an Executive Order creating a North Dakota Commission on Education Improvement. The document, as currently amended, is attached as Exhibit B. The Commission members include the Superintendent of Public Instruction, four school district administrators, and four legislators. The Commission also includes four non-voting members. Three represent the state's teachers, school boards, and school administrators, and the remaining individual serves as a special advisor on the school funding formula.

The Commission was instructed to prepare a report recommending ways to improve the current system of delivering and financing elementary and secondary education,

including the equitable distribution of state education dollars. The first report was delivered to the Governor and the Legislative Assembly on January 3, 2007 and became the basis for Senate Bill 2200, which was passed by the 60th Legislative Assembly. It enacted almost all of the recommendations included in the Commission's report.

This report, which reflects the second phase of the Commission's work, contains recommendations to further improve the equity of the state's school funding system and recommendations to ensure the overall adequacy of funding for all North Dakota school districts. It will provide the basis for additional legislation which will be considered by the 61st Legislative Assembly in the 2009 Session.

EXECUTIVE SUMMARY

BACKGROUND

On January 10, 2006, the plaintiff districts and the State agreed to a "Stay of Litigation" based on two conditions: one, the Governor would include at least $60,000,000 in new State funds in his Executive Budget for the 2007-2009 biennium; and two, the Governor would form a Commission comprised of the Governor, the Superintendent of Public Instruction, four school district administrators, and four legislators to work through the period of 2006-2009 and prepare for the 2007 and 2009 legislative sessions its recommendations to improve the equity and adequacy of school funding.

ADEQUACY AND EQUITY

During the interim period leading up to the 2007 legislative session, the Commission concentrated its efforts on the issue of "equity" in school funding. With the passage of Senate Bill 2200 the equity issue was largely laid to rest; however, the Commission has continued to make recommendations to improve equity because the fairness of the school funding formula is a never ending goal. During this interim period leading up to the 2009 session the Commission focused on the issue of school funding "adequacy." The question was whether the total funding per student is sufficient to ensure that every student has the opportunity to achieve an acceptable level of proficiency in the state curriculum, and

therefore be considered ready for college and ready for work. The Commission contracted with Picus and Associates, a nationally recognized firm specializing in issues of school funding adequacy. The Commission is recommending to the Legislative Assembly those provisions of the Picus study they found to be worthy and appropriate for adoption in North Dakota, as well as its own recommendations for improving the state's funding formula and policies that will provide adequacy, equity, and better student performance. The Picus study concluded that every student in North Dakota requires financial support of $7,293 from state and local sources. Of this amount $3,774 was expected to come from district mill levies and $3,519 from the state. The Picus report also recommended a number of education strategies to improve student performance that is included in the $7,293 they say is sufficient. The Commission does support the Picus funding recommendation and proposes to achieve and exceed that level by Year 2 of the 2010-2011 biennium. The Commission also recommends a manageable start on a number of education strategies suggested by Picus including core curriculum enhancement, counselors, tutors, coaches/mentors, and extra weighting for "at risk" students; it provides full state funding for all of these strategies in the funding proposal. The Commission believes that this level of funding, in combination with the incentives and requirements that help focus resources on student performance, will ensure an "adequate" education for all K-12 students in North Dakota. In the end this definition of "adequate" means far more than adequate; it means a system capable of dramatically improving student performance and ensuring that students are ready for college and ready for work.

MAIN FUNDING FORMULA

The Commission makes the following recommendations in regard to the main school funding formula:

1) Special education factor increase from .067 to .07.

2) A new weighting factor of .05 for "at risk" students.

3) English language learners (ELL) factor increase from two tiers of .14 and .02 to three tiers of .20, .05, and .02.

4) The minimum mill levy offset be discontinued.

5) The ending fund balance deduct be applied after all other adjustments and to transportation payments.

6) $110,560,000 be appropriated for per student payments which includes a $4,000,000 increase in equity payments, a $12,000,000 increase for two years of full day kindergarten, and $10,000,000 for the "at risk" factor.

7) Minimum funding increase of 108% of the baseline in Year 1 and 112.5% of the baseline in Year 2.

8) Maximum funding increase of 120% of the baseline in Year 1 and 134% of the baseline in Year 2.

9) $10,000,000 in matching grants for deferred maintenance contingent on a $30,000,000 increase in the forecast ending fund balance.

PRE-KINDERGARTEN

The Commission makes the following recommendations in regard to pre-kindergarten:

1) Establish a North Dakota Early Learning Council.

2) Provide a pre-kindergarten student factor in the formula that funds a half-day program at least two times per week. The factor should be available in the 2010-2011 school year on a voluntary basis for both districts and students. State statutes should be revised to authorize public education for 4 year-olds.

REGIONAL EDUCATION ASSOCIATIONS

The Commission makes the following recommendations:

1) Regional Education Association (REA) funding support of $3,000,000 should be provided through a base grant of $25,000 per year for each REA and through a factor in the formula of .004 times the number of K-12 students served by an REA, and then times the per student payment. The amount earned by the calculation should be held by the Department of Public Instruction (DPI) and distributed directly to the REA.

2) REAs should continue to be authorized to hire employees.

EQUITY PAYMENT

The Commission recommends that the calculation of the Equity Payment remain the same for 2009-2011. It also recommends that districts that re-organize or dissolve receive no reduction in equity payments for 2 years.

SPECIAL EDUCATION CONTRACTS

The Commission makes the following recommendations:

1) Continue to cover the excess costs of the most costly 1% of all students receiving special education services.
2) Reduce the multiplier from 4.5 to 4.0 times the cost of education to achieve the benchmark.
3) Appropriate $15,500,000 for the 2009-2011 biennium for special education contracts. Any surplus funds in both the 2007-09 and 2009-11 bienniums shall be transferred to state aid.
4) Provide a contingency source of funds in the event of a cost over-run.

PROFESSIONAL DEVELOPMENT

The Commission makes the following recommendations:

1) Authorize up to four early dismissal days during the school year for teacher collaboration and professional development, beginning with the 2010-2011 school year. Recognize the days as full contact and employment days.

2) Increase the number of student contact days from 173 to 174 beginning in 2010-2011 to offset the four early dismissal days.
3) Consider, if resources allow, an additional contact day and an additional professional development day.
4) The existing requirement of a Professional Development Plan for every school district for accreditation should be properly monitored and made effective. The administrator in DPI with this responsibility should be guided by a Professional Development Advisory Committee.
5) Expand the mentorship grant program by providing $2,300,000 to the Education Standards and Practices Board for mentorship grants to train protégé teachers that are in their first year of K-12 instruction.
6) Provide matching grant support to three pilot programs to initiate model instructional coaching activities. $500,000 should be appropriated in Year 2 to cover the state's proportionate share of the cost of hiring and placing instructional coaches.

STUDENT PERFORMANCE STRATEGIES

Picus and Associates identified 15 distinct elements that go into providing an adequate education, which they define as providing the tools necessary to double student performance. The Commission found that the state is currently doing a reasonable good job of covering nine of these elements. They also found that three other elements were not applicable to the situation in North Dakota's schools. However, the Commission did find

that three of the 15 recommendations were worthy of advancement in North Dakota:

1) instructional coaches and mentors for professional development;
2) tutors for struggling students; and
3) additional counselors and career advisors.

The Commission makes the following recommendations:

1) As stated in the Professional Development summary, provide $2,300,000 to the Education Standards and Practices Board (ESPB) to expand mentorship grants to train new teachers, and provide matching grants of $500,000 to three pilot programs to initiate model instructional coaching activities.
2) Require and provide state funding for one FTE licensed teacher to serve as a tutor for every 400 students in ADM in grades K-3 starting with the 2010-2011 school year. Districts with adequate tutoring may substitute instructional coaches.
3) The total staffing level for counselors in an accredited school district should be increased from one FTE counselor for every 450 students to one FTE counselor for every 300 students in grades 7-12. State law should authorize school districts to fill up to one third of the required counselor positions in grades 7-12 with a new sub-category of counselors called "career advisors" with different credentials certified by the Department of Career and Technical Education (CTE).
4) $390,000 should be included in the CTE budget to provide the necessary training and certification of the new career advisors. $123,618 should be included in the Department of Public Instruction (DPI) budget to monitor accreditation requirements of counseling staffs including the role of the new "career advisors."

CURRICULUM

The Commission concluded that any student not taking a third year of mathematics and a third year of science in high school will have considerable difficulty demonstrating proficiency in those subject areas on the state assessment and the ACT. The Commission makes the following recommendations:

1) Create a new "Merit" diploma for all high school graduates who achieve the new state goals of three units of mathematics, three units of science, and three units of focused electives that emphasize languages, fine arts, and career and technical education. The total number of units required for graduation should be set at 22 units.
2) A student should be allowed, but only under strict conditions and circumstances, to opt out of the "Merit" diploma and pursue instead a "General" high school diploma.
3) An integrated 3 unit mathematics series of courses should be accepted as an alternative to the traditional mathematics courses of algebra I, geometry, and algebra II.
4) The Superintendent of Public Instruction should provide, upon request of the student and validation, an "Honors" certificate in both academics and technical education for those students achieving the necessary additional requirements. Students who receive an Honors Certificate are eligible for a special scholarship of $1,500 per year for four years to any North Dakota college or university.

ASSESSMENTS

The Commission concluded that assessments are necessary to determine if the state's funding, curriculum, and standards are indeed producing high school graduates that are ready for college and ready for work. They also concluded that a career interest inventory is an essential tool in advising a student on course and career plans. Finally, formative assessments were studied and found to be important tools in helping teachers to succeed with their students, as well as serving as a predictor of future performance on summative tests. The Commission makes the following recommendations:

1) Require every school district in North Dakota to make available and encourage the use of a "formative" or "interim" assessment, such as the "Measure of Academic Progress" tests, to be used by teachers in grades 2-10.
2) Require every school district, as a condition for accreditation, to provide a "career interest inventory" at least one time during the period of grades 7-10.
3) Require all students to take, at least once during their high school career, one of the following summative tests: the ACT, the SAT, or WorkKeys.
4) The state should include in the state aid formula the full cost of the summative assessment and 50 percent of the cost of the formative assessment.

INFORMATION TECHNOLOGY AND STUDENT DATA

The Commission concluded that achieving adequacy in K-12 education does require information systems that can track student performance outcomes in relation to a wide range of education inputs and strategies. Ultimately these information systems would compare K-12 education strategies to college and career outcomes. The Commission recommends the following:

1) Grant the Information Technology Department (ITD) requests for PowerSchool, Longitudinal Data System, Wide Area Network, and Center for Distance Education.
2) All school districts should be required to use the PowerSchool system by September of 2010 unless they are exempted by the Director of ITD.

TRANSPORTATION GRANTS

The Commission recommends that the state increase the appropriation for transportation grants by $5,000,000 from $33,500,000 to $38,500,000. Per mile and per ride rates should be increased proportionately and large bus rates equalized between city and rural.

BUDGET SUMMARY

See page 85 for a summary of recommended and optional budget amounts.

PER STUDENT PAYMENTS FOR MILL LEVY REDUCTION

If the Legislative Assembly decides it wishes to provide property tax relief delivered through the school funding formula, they can consider the Commission's preferred plan which would achieve the stated goal of actual mill levy reductions while also providing equity, workability, and compatibility with the main school funding formula. See page 85 for a complete explanation of the Mill Levy Reduction Program.

TERMINOLOGY: K-12 FUNDING FORMULAS

1)	ADJUSTED GENERAL FUND MILL LEVY	A district's general fund mill levy after being reduced by the state's mill levy reduction program.
2)	BASE ADM	The figure that represents the number of students in grades K-12 together with the number of students enrolled in early childhood special education programs.
3)	ELL STUDENT	A student who is determined to be an English language learner in accordance with a state test in English proficiency, and is enrolled in a remedial English program.
4)	EQUITY PAYMENT	A special payment to school districts to offset the deficiency of revenues caused by inadequate taxable valuation.
5)	ESY PROGRAM	An extended school year program for students with disabilities.
6)	IMPUTED TAXABLE VALUATION	The taxable valuation of real property plus the theoretical valuation created by dividing 70 percent of a district's mineral and unrestricted tuition income by the district's general fund mill levy. For this purpose, "general fund levy" includes a district's high school transportation levy and its high school tuition levy.

7)	MISSING VALUATION PER STUDENT	The amount by which a district's imputed taxable valuation per student falls below the state average imputed taxable valuation per student.
8)	PER STUDENT PAYMENT	The state payment for each weighted student unit.
9)	SCHOOL DISTRICT SIZE WEIGHTING FACTOR	The factor that adjusts for the costs of operating school districts of various sizes.
10)	STATE AID PAYMENT	The total of all state dollars paid to a school district under the main education funding formula. This term does not include transportation payments.
11)	STATE ASSISTED LOCAL FUNDING	The amount of local revenue that is supplanted by the state through the mill levy reduction program.
12)	TOTAL VALUATION DEFICIENCY	The missing valuation per student multiplied by the district's base ADM.
13)	WEIGHTED ADM	The figure that results from adding the base ADM with the weighting factor adjusted ADM.
14)	WEIGHTED STUDENT UNITS	The student payment units determined by multiplying the weighted ADM by the school district size weighting factor.
15)	WEIGHTING FACTOR	The amount that is added to the base factor of 1.00 and which reflects the added cost of educating a student in each of several categories.

REVIEW OF PREVIOUS RECOMMENDATIONS AND FINAL PROVISIONS OF SENATE BILL 2200

MAIN FUNDING FORMULA

RECOMMENDATIONS	SENATE BILL 2200
1) Consolidate previous funding categories into a new comprehensive funding formula, including teacher compensation payments, tuition apportionment payments, and special education ADM distributions.	Enacted.
2) Provide per student payments of $3,090 in Year 1 and $3,169 in Year 2.	Per student payments of $3,250 in Year 1 and $3,325 in Year 2.
3) Revise statutes to count kindergarten students and Pre-K special education students as regular ADM, base payments on the prior year's closing ADM, and eliminate the requirement for a formal school census.	Enacted.

RECOMMENDATIONS	SENATE BILL 2200
4) Consolidate all previous special funding categories into weighting factors that reflect the added cost of educating certain categories of students (e.g., special education, English language learners, home educated students) and the costs of providing certain programs and services (e.g., extended school year, alternative high school, summer school, migrant summer school, small and isolated schools, and out-of-state reciprocity).	Enacted.
5) Revise the school size weighting factors to reflect the actual costs of educating students in various size school districts.	Enacted.
6) Ensure a smooth transition to the revised formula by providing a minimum growth in the per student payment of 2% in Year 1 and an additional 1% in Year 2, over the baseline per student payment.	Adopted a minimum per student payment growth of 3.5% in Year 1 and an additional 2.5% in Year 2.

RECOMMENDATIONS	SENATE BILL 2200
7) Ensure a smooth transition to the revised formula by providing a maximum growth in the per student payment, not including any equity payments, of 7% in Year 1 and an additional 3% in Year 2, over the baseline per student payment.	Adopted a maximum state aid payment growth, not including any equity payments, of 7% in Year 1 and an additional 5% in Year 2 (the result of 3% growth plus the regular per student payment increase).
8) Require that 70% of new funding for a school district be expended on teacher compensation.	Enacted.

EQUITY MEASURES

RECOMMENDATIONS	SENATE BILL 2200
1) Repeal the mill levy deduct and supplemental payment plans, and replace them with an equity payment, calculated as the deficiency in imputed taxable valuation below 90% of the statewide average, multiplied by the district's general fund levy (limited to 185 mills). Special provisions for districts with abnormally low taxable valuations.	Enacted.
2) Require an offset to the main formula payment for districts that have an imputed taxable valuation per student more than 150% of the state average valuation. Calculated as excess imputed taxable valuation, times 185 mills, times .75.	Enacted.
3) Require a reduction in state aid for districts levying fewer than 155 mills in Year 1 and 160 mills in Year 2.	Enacted a reduction for districts levying fewer than 150 mills in Year 1 and 155 mills in Year 2.

SPECIAL EDUCATION

RECOMMENDATIONS	SENATE BILL 2200
1) Combine special education per student payments with regular per student payments and increase the funding from $37,000,000 to $46,000,000.	Enacted.
2) Guarantee payment of the excess costs (i.e., the amount over 4.5 times the average cost per student) of educating the most costly 1% of students in special education statewide, and increase contract funding from $15,500,000 to $17,500,000. School districts assume the cost of educating the remaining 99% of all special education students.	Enacted.
3) Reduce the number of special education units in the state.	Not adopted.
4) Allow school districts to provide special education services singly, as a multi-district unit, or as a regional education association.	Enacted.

CAPITAL IMPROVEMENT EQUITY

RECOMMENDATIONS	SENATE BILL 2200
1) Allow capital improvement loans to be drawn from the Coal Development Trust Fund and targeted to the most needy school districts. Increase borrowing to $50,000,000.	Enacted.
2) Establish an assistance program for consolidating districts to buy down interest payments on capital improvements resulting from a consolidation.	Enacted.
3) Provide a contingent appropriation of $10,000,000 for deferred maintenance for all school districts.	Enacted at a level of $5,000,000.

CAREER AND TECHNICAL EDUCATION

RECOMMENDATIONS	SENATE BILL 2200
1) Provide $1,200,000 in funding for a pilot program to defray the costs of two new area CTE centers.	Enacted in CTE budget bill.
2) Provide $1,300,000 in cost share incentives for more cooperative delivery of CTE programs.	Enacted in CTE budget bill.

REGIONAL EDUCATION ASSOCIATIONS

RECOMMENDATIONS	SENATE BILL 2200
1) Increase general fund support for REAs from $1,000,000 to $2,000,000 to encourage expansion of REA activity. Authorize an additional $1,000,000 in contingency funds, ranked second in priority behind special education contracts.	Provided $1,000,000 general fund appropriations. Provided $2,000,000 in contingency funds, which did not become available.

KINDERGARTEN

RECOMMENDATIONS	SENATE BILL 2200
1) Expand funding for kindergarten by providing an additional half-day payment (.50 ADM) for at risk students attending full day kindergarten.	Authorized increasing the weighting factor for all full day kindergarten students up to 1.00, with a pro-rated factor allowed for students enrolled less than full time.

MISCELLANEOUS

RECOMMENDATIONS	SENATE BILL 2200
1) Provide transportation funding.	Enacted.
2) Provide school district reorganization planning grants.	Enacted.
3) Authorize and re-establish membership and duties of the Commission on Education Improvement.	Enacted.

ADEQUACY OF K-12 EDUCATION FUNDING

BACKGROUND

The Commission on Education Improvement was directed by the Legislative Assembly to examine the "adequacy" of school funding in North Dakota. The question asked by the Commission was whether the total funding per student from state, local, and federal sources in every school district is sufficient to ensure that each student has the opportunity to achieve an acceptable level of proficiency in the state prescribed curriculum and therefore to be considered "ready" for college and/or work.

The Commission contracted with Picus and Associates, a nationally recognized firm specializing in issues of school funding adequacy, to make recommendations regarding the achievement of adequacy and to quantify the amount of money per student that would be required. The firm's recommendations were presented in a comprehensive report to the Commission entitled, Funding Schools Adequately in North Dakota: Resources to Double Student Performance (See Exhibit D, Executive Summary of the Picus and Associates Report).

The Commission carefully and thoughtfully addressed the provisions of the Picus report throughout the 2007-2008 interim period, and is recommending to the Legislative Assembly and the Governor those provisions of the Picus study found to be worthy and appropriate for adoption in North Dakota, together with the Commission's own

recommendations for improving the state's school funding formula and improving equity, adequacy, and student performance.

The Picus study concluded that every student in North Dakota in average daily membership requires financial support of $7,293 from state and local sources, based on prevailing costs during the 2007-2008 school year. This amount does not include federal funds which are presumed to be targeted to specific federal priorities and act as an overall subsidy taken into account before determining the state and local cost requirements. Of the $7,293 needed from state and local sources, $3,774 was expected to come from district mill levies. The Picus report assumed that every district was willing to adopt, if necessary, a general fund mill levy equal to the statewide average mill levy of 185 mills. The state's required share, therefore, would be $3,519 per student, based on prevailing costs during the 2007-2008 school year. Assuming the local contribution continues to increase, this would indicate an equivalent state payment of $3,657 per student in 2009-2010 and $3,726 per student in 2010-2011 (See Table 1 on page 29).

The Picus report also recommended that these financial resources be used in a manner designed to improve student performance. In fact, the report specifically defines "adequacy" as the ability to double the test scores of North Dakota students on the National Assessment of Educational Progress (NAEP) test. This would presumably mean improving the average combined language and mathematics proficiency percentage from approximately 37% to 74%.

RECOMMENDATIONS

The Commission does not fully agree with the Picus definition of an adequate education. The Commission believes that an adequate education is evidenced by the successful completion of a rigorous core curriculum established by state policy, and achievement of proficiency on a required state assessment aligned with the curriculum. Adequacy is also evidenced by proficiency on a nationally recognized test, such as the ACT, the SAT, or WorkKeys. Ideally a majority of North Dakota seniors should score above the national average, proving that they are in fact "ready for college and/or ready for work." It is expected that this goal will be discussed by North Dakota policy makers and monitored in the future.

The Commission does, however, agree with the Picus funding benchmark and in fact recommends exceeding it by providing a per student payment of $3,420 per student in 2009-2010 and $3,779 per student in 2010-2011, not counting any amounts distributed specifically for mill levy reduction. This will exceed the equivalent amount recommended by Picus and Associates by Year 2 of the 2009-2011 biennium (see Table 1 on page 29), taking into account that all weighting factors are also subsequently applied. The Commission believes that this level of funding, in combination with other incentives and requirements that will help focus resources on student performance, will ensure an adequate education for all K-12 students in North Dakota.

In order to continue to make progress in the future toward a more equitable and adequate school funding formula, the Commission recommends that school district

reorganization grants be re-enacted and that the Legislative Assembly re-authorize and re-establish the membership and duties of the Commission on Education Improvement.

TABLE 1

ADEQUATE FUNDING PER STUDENT: PICUS PROPOSAL VS. COMMISSION RECOMMENDATION

PICUS AND ASSOCIATES PROPOSAL	2007–08	2008–09	2009–10	2010–11	WEIGHTED 2010–11	
State	$ 3,519	$ 3,588	$ 3,657	$ 3,726	$4,352	
State Assisted Local			1,579	1,642	1,642	*
Local	3,774	3,924	2,501	2,601	2,601	
Total	$ 7,293	$ 7,512	$ 7,737	$ 7,969	$8,595	**

COMMISSION RECOMMENDATION	2007–08	2008–09	2009–10	2010–11	2010-11	
State	$ 3,250	$ 3,325	$ 3,420	$ 3,779	$4,418	
State Assisted Local			1,579	1,642	1,642	
Local	3,774	3,924	2,501	2,601	2,601	***
Total	$ 7,204	$7,249	$ 7,500	$ 8,022	$8,661	

* *In biennium 2009-2011, assume 38.7% of the local share will be reimbursed by the state.*

** *By school year 2010-2011, North Dakota exceeds the adequate funding level prescribed by Picus and Associates.*

*** *By school year 2010-2011, North Dakota's share of the cost per student is $6,060 out of $8,661 or 70%.*

K-12 EDUCATION: MAIN FUNDING FORMULA

BACKGROUND

Senate Bill 2200, which was enacted by the Legislative Assembly in the 2007 Session, represented a dramatic improvement in school funding equity, as compared to the previous system. It provided greater transparency, better logic, and more flexibility than the previous methodology.

The hallmarks of these significant improvements included the revision and expansion of weighting factors which, when multiplied times the per student payment, reflected all of the added costs for certain categories of students. This process alone greatly improved the equity of the state's school funding system.

In addition, the school size weighting factors were revised to more accurately adjust for the increased cost of operating smaller and usually less efficient schools. The scale of factors was based on historic cost data collected from all school districts.

Two new offsets to the state formula payments were adopted to provide more equity. Payments to districts with taxable valuation per student greater than 150% of the statewide average were reduced, as were payments to districts with general fund levies well below the state average.

In addition, minimum and maximum allowable growth rates in state distributions were established for all districts in order to provide a more gradual transition to higher payment levels. The minimum payment per student was the base amount from the 2006-

2007 school year plus a percentage increase established as 3.5% in Year 1 and 2.5% in Year 2. The combined minimum increase in per student payments was 103.5% in Year 1 and 106% in Year 2, of the base year payments in 2006-2007.

The maximum increase in state payments per student was 7% over the base year in Year 1 and an additional 5% increase in Year 2. Therefore, the combined allowable state payment per student was 107% of the base year per student amount in Year 1 and 112% of the base year per student amount in Year 2.

A new definition of "English Language Learner" was adopted in 2007 because the Department of Public Instruction was converting to a new English proficiency test and could not adapt factors to levels of proficiency based on test results. Tested levels of English proficiency continue to be the preferred methodology for determining weighting factors for English language learners.

RECOMMENDATIONS FOR 2009-2011

1) The Commission recommends that the weighting factor for special education funding be revised from .067 to .07, to reflect the increased cost of educating these students. National studies would indicate that the North Dakota factor is at the low end of the range and should be increased even more over time. Since this factor is applied to the ADM count, it does not affect the total distribution to any given district, assuming a fixed total appropriation.

2) The Commission recommends that a new weighting factor be established to reflect the added cost of educating students who are considered "at risk" of failing in school if

they do not receive additional help in the form of counseling, tutoring, and other forms of student support. The Commission recommends a factor of .05 to be multiplied by the number of students in the district considered eligible for the free and reduced cost lunch program offered by the federal government. The "at risk" student count should be established by computing the three year average percentage of students in grades 3-8 receiving free or reduced cost lunches and then applying that percentage to the total ADM in the district. This calculation is used only for the purpose of computing the amount of additional money that a district needs in total to cover the added costs of its "at risk" students. The Commission determined that this measure is workable and reliable over time in determining the district-wide cost and is preferable to any system that tries to screen and identify individual students in need of various forms of support. As a matter of policy, the Commission would emphasize that these added services should be equally available to every student, regardless of socio-economic background.

3) The Commission recommends that the statutory definition of English language learners be changed to accommodate three separate categories:

LEVEL	CATEGORY	FACTOR
First level	"testing least proficient"	.20 factor
Second level	"testing not proficient"	.05 factor
Third level:	"testing somewhat proficient"	.02 factor

The factor categories should be based on an English language proficiency test approved by the Superintendent of Public Instruction and made available to all school districts. Each factor should be multiplied by the number of students who are in that category and are receiving a special program of English instruction.

4) The Commission recommends that the minimum mill levy offset, currently triggered at 155 mills, be discontinued. The original intent of this adjustment to the state aid distribution was to encourage local effort in the general fund mill levy, particularly for certain districts not affected by the high valuation offset. In light of the fact that the state will probably be increasing its share of the cost of education by a significant amount, and further that the Legislative Assembly will be considering a property tax relief measure providing funds directly for the reduction of mill levies, the Commission has concluded that this adjustment is no longer useful. The mill levy reduction program, explained on page 87, will restrict all districts to a general fund mill levy of 110 mills unless a vote of the patrons or other exceptions apply.

5) The Commission recommends that the ending fund balance deduct, currently one of several adjustments before minimum and maximum applications, must be applied to the state aid distribution after all other calculations, and if the deduct is not entirely depleted it must be applied to any transportation payments.

6) The Commission recommends that $110,560,000 in new state funds be appropriated for the main funding formula and distributed on the basis of weighted student units and adjustments. This amount would include increases of $4,000,000 to continue equity payments, $12,000,000 to continue full day kindergarten, $10,000,000 for the

new at risk factor, $3,680,000 for one additional school day, $3,780,000 for new tutors, $2,600,000 for the REA factor, and $3,500,000 for pre-kindergarten programs.

7) The Commission recommends that the "baseline funding per weighted student unit" should continue to be defined as all the state aid received by the district during the 2006-2007 school year, less the amount received by the district during the 2006-2007 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and payments for participation in regional educational associations, divided by the district's 2007-2008 weighted student units.

8) The Commission recommends for the 2009-2010 school year that the total amount of state aid payable to a district per weighted student unit be no less than 108% of the baseline funding per weighted student unit.

9) The Commission recommends that the total amount of state aid payable to a district per weighted student unit for the 2010-2011 school year be no less than 112.5% of the baseline funding per weighted student unit. 2.5% of the minimum increase of 4.5% in Year 2 is to cover the full cost of tutors, career advisors, and one additional day in the school calendar.

10) The Commission recommends for the 2009-2010 school year that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments, not exceed 120% of the baseline funding per weighted student unit.

11) The Commission recommends for the 2010-2011 school year that the total amount of state aid payable to a district per weighted student unit not exceed 134% of the baseline funding per weighted student unit.

12) The Commission recommends that $10,000,000 be made available to school districts in the 2009-2011 biennium for deferred maintenance and improvement grants contingent upon the forecasted ending fund balance for the end of the biennium exceeding the 2009 session ending forecasted balance by more than $30,000,000 and upon evidence of an equal amount of matching funds from the district. The Superintendent of Public Instruction should distribute to each eligible school district $20,000 plus the district's pro rata share of the remaining appropriation.

13) The Commission recommends the adoption of the language in Section 52 of Senate Bill 2200 (2007 Session), that is, during the 2009-2011 biennium the board of each school district shall use an amount equal to at least seventy percent of all new money from the state to increase the compensation paid to teachers. This calculation does not include equity payments, transportation payments, contingency payments, or mill levy reduction payments. The Section provides a procedure for the board to become exempt from the requirement under special circumstances.

14) Any district that experienced an abnormal drop in revenues due to federal funding aberrations in the base year 2006-2007 should be granted an averaged base year computation.

TABLE 2

ILLUSTRATION FOR REVISED MAIN FUNDING FORMULA
PREPARED FOR THE ND COMMISSION ON EDUCATION IMPROVEMENT
(Based on Grafton School District Prior Year Data Rounded)

KEY	DESCRIPTION	ADM	WEIGHTING FACTOR	WEIGHTED ADM
1	Grades K-12 ADM *(based on prior year-end)*	828.00	1.00	828.00
2	PK Special Ed ADM	24.00	1.00	24.00
3	**BASE ADM**			**852.00**
4	Special Ed ADM *(non-contract)*	852.00	0.07	61.74
5	Pre-K Eligible ADM	30.00	.20	6.00
6	Pre-K Special Ed ADM	24.00	0.17	4.08
7	English Language Learners: Level 1	5.00	0.20	1.00
8	English Language Learners: Level 2	6.00	0.05	0.30
9	English Language Learners: Level 3	20.00	0.02	0.40
10	Special Ed ESY	10.00	1.00	10.00
11	Alternative High School	0.00	0.25	0.00
12	Summer School	16.00	0.60	9.60
13	Migrant Summer School	50.00	1.00	50.00
14	Home-Schooled (Supervision)	6.00	0.50	3.00
15	At Risk – Poverty	180.00	0.05	9.00
16	Small Isolated *(additional ADM for minimum)*	0.00	1.00	0.00
17	Small Isolated *(cost factor on actual and phantom)*	0.00	0.25	0.00
18	Out-of-State Reciprocity	0.00	0.20	0.00
19	Served by Regional Education Association *(K-12 ADM)*	828.00	0.004	8.28
20	**WEIGHTED ADM TOTAL**			**1,015.40**
21	**SCHOOL SIZE WEIGHTING FACTOR**		x	**1.01**
22	**WEIGHTED STUDENT UNITS**			**1,025.55**
23	**PER STUDENT PAYMENT**		x	**$ 3,460.00**
24	**TOTAL STATE AID PAYMENT** *(minimum of 2.5% growth and maximum of 8% per student)*			**$ 3,548,403.00**
25	**HIGH VALUATION OFFSET**			**0**

PRE-KINDERGARTEN

BACKGROUND

During the course of the Commission's work, a special subcommittee was delegated to research early childhood education. The subcommittee was chaired by Representative Kelsch and included a number of people active in the area of early childhood education in North Dakota. The subcommittee reported to the Commission that there is a wide variety of early childhood activity in the state, including traditional daytime child care services, privately operated pre-school programs, Head Start programs, licensed home-based programs, and conventional school-based early childhood classes. Some of these programs are coordinated including, on occasion, full integration of Head Start and pre-kindergarten school classes.

The subcommittee contracted with the National Institute for Early Education Research (NIEER), to develop a cost estimate for the state to provide a part-day state Pre-K program that would meet the NIEER quality benchmarks. The conclusion, presented by Mr. Eliot Regenstein, was that such a program would cost approximately the same as providing services to K-12 students. The NIEER made several recommendations as follows:

1) The program must have teachers licensed for early childhood education;
2) The program should be limited to students who are at least 3 years old;
3) The program must ensure proper screening and support for students;

4) The program must have proper oversight to be provided by an Early Childhood Learning Council as required under Head Start guidelines;

5) The state should start small and develop the program over time.

The Governor announced in October 2008 his interest in moving pre-kindergarten forward in North Dakota. A variety of considerations enter into a decision to propose state support for pre-kindergarten. First and foremost is the body of research confirming that early childhood education does produce lasting improvements in academic performance throughout a child's school career. Secondly, early childhood programs are in demand throughout the state. Many communities are concerned about a shortage of quality day care services and a shortage of early education programs. One reason given for this shortage is the lack of profitability in day care enterprises due to rising costs. A third reason for state involvement in early childhood education is the growing concern for safety and quality assurance in day care and pre-school programs. Any state initiative to screen providers and verify their educational backgrounds would end up being very similar to the procedures for establishing an accredited Pre-K education program and would be just as costly.

RECOMMENDATIONS

1) The Legislative Assembly should create a state advisory council to coordinate services for young children. Federal law now requires a council of this type to coordinate federally supported education services such as Head Start. A North Dakota Early Childhood Learning Council should be established to coordinate existing services and develop plans

for the future provision of educational services to children below kindergarten age. The Council should be responsible for developing a comprehensive plan to provide state-funded pre-kindergarten education. The Council should also be responsible for assessing early childhood education programs throughout the state, recommending improvements in early education standards, and promoting the availability and quality of early childhood education opportunities in North Dakota. The Council should provide a biennial report on its recommendations to the Governor and to the Legislative Assembly.

2) The Council should consist of no more than 18 members including the following officials:

    a) A chairman, appointed by the Governor;

    b) The Superintendent of Public Instruction, or their designee;

    c) The State Health Officer, or their designee;

    d) The chairman of the Senate Education Committee, or the chairman's designee;

    e) The chairman of the House Education Committee, or the chairman's designee.

    f) The Director of the Department of Human Services, or their designee;

The Council should also include the following appointees by the Governor:

    a) A superintendent from a school district with over 1,000 ADM;

    b) A superintendent from a school district with less than 1,000 ADM;

    c) A superintendent from a reservation district;

    d) An elected member of a school board;

e) A school principal;

f) An elementary school teacher;

g) An individual representing a private pre-school;

h) An individual representing a religious-based pre-school;

i) An individual representing a licensed center-based child care provider;

j) An individual representing a licensed home-based child care;

k) The Director of the North Dakota Head Start program, or their designee;

l) An individual representing an Indian Head Start program;

The gubernatorial appointees should serve staggered three year terms and the Governor should fill vacancies as needed. The Council should meet at least twice each year and at other times at the call of the chairman. Funding in the amount of $20,000 should be provided in the budget for the Department of Public Instruction to cover expense reimbursements for Council members. Staff support should be provided by the Governor and the Superintendent of Public Instruction, as needed.

3) Provide a pre-kindergarten student factor in the main school funding formula for any school district that provides at least one-half day (two and three-quarter hours) of education to 4 year-olds, at least two times per week. This factor should be available for the 2010-2011 school year on a voluntary basis for both districts and students. The estimated cost of this program is $3,500,000. The cost is based on 4,760 participating students in 2010-2011 (6,800 potential 4 year-olds with an overall participation rate of 70%), multiplied by $3,700 per student, and then multiplied by a factor of .20 for a minimum of 2 half-days per week. Teachers must be specifically licensed to provide

early childhood education. Any school district claiming the weighting factor must be able to demonstrate appropriate readiness screening of applicants for a Pre-K program and demonstrate an adequate level of support for 4 year-olds in the school setting. Any participating student should be included in claims for transportation payments provided the student is transported to or from their homes, or to or from a licensed day care center in the community. Any school district receiving state funds under this program must demonstrate that it has maximized its opportunities for collaboration with other Pre-K and day care providers in the community, including both public and private programs. The Department of Public Instruction should develop rules for the approval and accreditation of Pre-K programs. State statute should be revised to authorize public education for 4 year-olds in the year preceding kindergarten.

REGIONAL EDUCATION ASSOCIATIONS

BACKGROUND

Financial support for Regional Education Associations (REAs) was recommended by the Commission in 2007 at a level of $3,000,000, of which $1,000,000 was to be provided from surplus or contingency funds. The 2007 Legislative Assembly ultimately provided $3,000,000 as well, but $2,000,000 of that amount was to be provided from contingency funds. At this time it appears that contingency funds will not be available.

There are currently eight Regional Education Associations in North Dakota, and they serve 95% of all students in the state. Each REA provides to its member districts a variety of student and administrative services from a list of services approved by the Department of Public Instruction. The governing board of each REA is composed of elected school board members or their designees from each participating district. The designees must also be elected school board members. Each dollar of state funding transferred to an REA is pooled with money obtained from the participating districts and from grants.

RECOMMENDATIONS

1) The Commission believes that REAs continue to play an important role in providing an adequate education for every student in North Dakota. As demands increase for a rigorous and varied education program for every K-12 student, the role of the REAs will become critical in delivering quality educational opportunities, particularly to rural school

districts with low and declining enrollments. REAs are the only viable alternative to mandatory school consolidation. The Commission recommends that $400,000 be provided as base grants to REAs, assuming $25,000 per year for each of 8 REAs, and $2,600,000 be provided for the REA factor for a total of $3,000,000 in the state aid distribution line of HB 1013.

2) The $2,600,000 should be provided through a factor of the per student payment for each school district. The base ADM for any district participating in an REA should be multiplied by .004, and then multiplied by the per student payment rate. All of the resulting amount should be paid directly to the REA by the Superintendent of Public Instruction, in exchange for approved services. (94,534 x .98 = 92,643 eligible ADM in grades K-12, times the per student payment, times .004 = $2,600,000).

3) Regional Education Associations should continue to be authorized to hire employees.

EQUITY PAYMENT

BACKGROUND

In 2007, the Commission recommended the establishment of an equity payment to replace the previous mill levy deduct and the supplemental payment plan. It required that all school districts in North Dakota be guaranteed a local tax base per student equal to no less than 90% of the statewide average tax base per student. In defining the tax base available to a district, the Commission included the taxable valuation of real property in the district, plus an imputed taxable valuation created by dividing 70 percent of a district's cash revenue from minerals and unrestricted tuition by the district's general fund levy. Districts with abnormally low taxable valuations, such as reservation districts, were established at 20% of the statewide average imputed taxable valuation per student, times an assumed levy of 185 mills.

RECOMMENDATIONS

The Commission recommends that the calculation of the Imputed Taxable Valuation Per Student (ITVPS) remain the same. In the context of a school district mill levy reduction program funded by the state, the question arises whether the 185 mill benchmark should be adjusted downward to reflect the new lower general fund levy paid by the taxpayer. However, further consideration leads to a conclusion that the school district itself does not

receive any additional funds from the mill levy reduction program, and therefore the levy for calculating the equity payment should be left at the district's unadjusted general fund levy, capped at 185 mills.

Over time, a full measure of equity would argue for a guarantee closer to 100% of the statewide average valuation per student. However, one could also argue that districts having excessively high valuations per student, such as those receiving discounted state aid for valuations per student over 150% of the statewide average, should not be included in the computation of a statewide average in the same way as other districts, especially since the excess valuation is not available in its entirety.

The Commission recommends the following:

1) The benchmark percentage guarantee of the statewide average ITVPS should remain at 90 percent;
2) Any district that receives an equity payment and becomes part of another district through reorganization or dissolution should receive, for a period of two years, the higher of two equity payments: either the equity payment (or payments) received in the last year prior to the reorganization of dissolution, or the equity payment to which the reorganized district is entitled.

TABLE 3

EQUITY PAYMENT ILLUSTRATION
(Based on Dickinson School District Prior Year Data)

KEY	STATEWIDE INFORMATION	2008-2009 ENTITLEMENT
1	Taxable Valuation *(imputed)*	$ 2,047,078,234.96
2	Grades Pre-K-12 Base ADM	91,975,51
3	Valuation Per Student *(imputed)*	22,256.98
4	90% of Statewide Average Imputed Taxable Valuation per Student	20,031.28

KEY	DICKINSON SCHOOL DISTRICT	2008-2009 ENTITLEMENT
5	Taxable Valuation *(imputed)*	$ 42,141,679.54
6	Grades Pre-K – 12 Base ADM	2,509.45
7	Taxable Valuation per Student *(imputed)*	16,793.19
8	Missing Imputed Valuation per Student *(Line 4 less Line 7)*	3,238.09
9	Total Imputed Taxable Valuation Deficiency *(Line 8 times Line 6)*	8,125,824.95
10	District's General Fund Mill Levy	185.00
11	Equity Payment *(Line 9 times Line 10 – up to 185 Mills)*	1,503,277.62
12	General Fund Tax Revenue	7,350,850.13
13	Equity Payment *(Lesser of Line 11 or Line 12)*	1,503,277.62
14	Minimum Equity Payment	N/A

SPECIAL EDUCATION CONTRACTS

BACKGROUND

In 2007 the Legislative Assembly appropriated $17,500,000 to reimburse school districts for the cost of special education contracts. The stated goal was to cover the excess costs of the most severely disabled 1% of all students receiving special education services. At the time this was estimated to be 140 students statewide. The legislation also provided several funding mechanisms to guarantee that the excess costs would always be reimbursed at no less than 100% of excess costs.

Relying on historic data, the Superintendent of Public Instruction estimated that the excess costs of the most severe 1% of all special education students would be entirely covered by the state if it paid all costs per student in excess of 4½ times the average cost of education statewide. After the first year of the biennium it appears that these excess costs were less than forecast. The number of students triggering some reimbursement was 115 students, which is .96% of the students receiving special education services and is reasonably close to the stated goal. However, the dollar amount of excess costs claimed was considerably less and may result in savings of as much as $4,500,000 to the state in the 2007-2009 biennium. The Legislative Assembly did not provide any means to redirect these funds to another area of school funding, such as the state aid appropriation.

The reason why the excess costs claimed were lower than forecast has not been fully analyzed. However, one might presume that as the school districts absorbed the excess

costs on a larger number of students than before, there was a greater incentive to find efficiencies and hold down the costs of contract services, thereby resulting in a smaller number of students claiming reimbursement at the threshold of 4.5 times the cost of education.

RECOMMENDATIONS

1) Continue to cover the excess costs of the most costly 1% of all students receiving special education services. In order to fit the statutory multiplier to the goal of 1% of special education students, the Legislative Assembly should reduce the multiplier from 4.5 times to 4 times the cost of education beginning July 1, 2009. The Commission recommends that the biennial appropriation for 2009-2011 be placed at $15,500,000.
2) Provide in legislation with an emergency clause, that the savings from the 2007-2009 appropriation for special education excess contract costs be transferred to the "State Aid to Schools" line item for 2007-2009 and distributed according to the provisions adopted by the 2007 Legislative Assembly, in other words, added to the funds available for state aid formula payments to the extent needed to fully fund the formula. The same provision will apply to any surplus Special Education Contract Funds available in the 2009-11 biennium.
3) Re-authorize language that any claimed excess costs of special education contracts over the amount appropriated will be advanced by the Bank of North Dakota and a deficiency appropriation will be provided.

PROFESSIONAL DEVELOPMENT

BACKGROUND

Currently the state of North Dakota provides two fully funded professional development days under section 15.1-06-04 of the North Dakota Century Code. A school district may require that its teachers attend the annual conference of the North Dakota Education Association (NDEA) and may pay teachers for attending the conference, provided that the teacher's attendance at the conference is verified. A school district may also consider attendance at the conference to be optional, elect not to pay teachers for attending, and instead direct any resulting savings toward alternate professional development activities according to a professional development plan required for accreditation.

Picus and Associates, in their study of professional development in North Dakota, recommend that the state increase the number of professional development days from two to ten. They cite numerous education studies showing that better instruction is a key aspect of an education system and will improve student learning. They state, *"Indeed, improving teacher effectiveness through high quality professional development is arguably as important as all of the other resource strategies identified."*

The recommendation for 10 days of professional development would presumably involve the concept of an intensive summer institute and likely use all of the eight additional days they recommend. On the other hand, Picus also emphasized the importance of having time for teacher collaboration, in concert with instructional coaches, as a highly effective

activity intended to take place within the regular school day. Ultimately, Picus and Associates recommended that the Commission employ the services of Ms. Joellen Killion, a nationally recognized authority on the subject of professional development. The Commission arranged the attendance of Ms. Killion at the meeting of the subcommittee on professional development held on September 25, 2008.

Ms. Killion explained to the subcommittee that the current national trend and best practice is toward building into the regular school day more time for teacher collaboration and instructional coaching. This is considered by leading authorities to be more effective than professional development days conducted separately and away from the school setting.

Both Picus and Killion recognized that as North Dakota phases in new, statewide approaches to professional development, the most effective, first investment dollars should focus on teachers in their first five years in the profession. Coaches and trainers could first provide mentoring services to new teachers, with the presumption that these coaches would in the future become part of a more fully developed professional development model that provides services to all teachers.

RECOMMENDATIONS

1) Authorize under state law up to four early dismissal days in the school calendar for the purpose of professional development activities beginning with the 2010-2011 school year. Recognize the days as full student contact days and as full days of employment by the teacher/district contract if they are properly implemented by the district. An "early dismissal day" should be defined as a day when student dismissal takes place one and

one-half hours earlier than the normal dismissal time. The freed up one and one-half hours, together with one-half hour of additional teacher time, must be used for teacher collaboration either within the school or in cooperation with other schools and/or school districts. The collaboration should focus on curriculum, classroom practices, and the use of formative testing data. Whenever possible, instructional coaches should be included in the collaboration activities.

2) Increase the number of student contact days from 173 days to 174 days beginning with the 2010-2011 school year. This is needed to offset the loss of student/teacher contact time resulting from the four early dismissal days. The cost of this additional day is reflected in an increase in the per student payment as shown in the budget summary recommendations on page 85.

3) The Legislative Assembly should consider, if resources allow, an additional student contact day to offset the loss of student/teacher contact time that has been caused by increased time devoted to various extracurricular activities and to required assessments. The cost of this additional day is reflected in the optional budget recommendations on page 85.

4) The legislature should consider, if resources allow, another professional development day in addition to the two days that are currently required beginning with the 2010-2011 school year. This third day of professional development should be used at the discretion of the school district and incorporated into a complete professional development plan. The cost of this additional day is reflected in the optional budget recommendations on page 85.

5) A professional development plan should be required for every school district and should be reviewed regularly by the Superintendent of Public Instruction in consultation with a Professional Development Advisory Committee. The Professional Development Advisory Committee should be made up of representatives from the school boards, school administrators and teachers in the state, as well as a representative of the state's teacher colleges. The Legislative Assembly should provide $219,032 to the budget of the Department of Public Instruction for one administrator and one FTE support staff for the collection, review, and evaluation of school district professional development plans. This administrator will also be responsible for the management of the instructional coaching grant program recommended on page 57, as well as any additional oversight needed for curriculum development. The role of the new professional development administrator, working in consultation with the Professional Development Advisory Committee, is to provide feedback to each school district regarding ways to improve the district's professional development plan, verify its execution, and communicate new information on best practices. If the professional development administrator finds that a school district has not developed and implemented an acceptable professional development plan, they should recommend to the Superintendent of Public Instruction that state aid be withheld until the plan is developed and implemented.

6) Expand the mentorship grant program authorized by the 2007 Legislative Assembly and administered by the Education Standards and Practices Board (ESPB). $2,300,000 should be provided to ESPB for mentorship grants to train protégé teachers that are in the first year of K-12 instruction. Approximately 250-300 protégé teachers would be

coached in each year of the biennium by other mentor teachers trained under the supervision of ESPB. Stipends would be offered to both mentors and protégés to cover their expenses. Proposals would be solicited for groups of 12-13 protégé teachers organized by region or within large districts. ESPB would hire a mentoring coordinator, oversee training of mentors, approve stipends for mentors and protégé teachers, audit expenses, and evaluate results. ESPB should be authorized to develop and support an advisory committee to assist in the oversight of the program.

7) Provide grant funds on a one to one ratio to three pilot programs of model instructional coaching. $500,000 should be provided in Year 2 of the 2009-2011 biennium to be distributed to school districts that apply for and receive approval from the Superintendent of Public Instruction for an effort to advance instructional coaching in their region. The funds would cover the state's proportionate share of the costs of approximately 16 FTE instructional coaches. Consideration should be given both to multi-district and single district applications. Favorable consideration should be given to applicants that intend to employ highly qualified instructional coaches, intend to promote teacher involvement, and have a plan to verify the effectiveness of the coaching activity.

STUDENT PERFORMANCE STRATEGIES

BACKGROUND

Picus and Associates recommended a number of strategies to boost student performance as part of its overall formula to provide an "adequate" education. In fact, the recommendations were designed to actually make it possible to double student performance in North Dakota.

I. A number of these strategies are already being adequately pursued in North Dakota and Picus, in many cases, acknowledged this fact. Among the strategies that North Dakota is currently using with success are the following:

   1) Maintaining class sizes in core courses (English, math, science, social studies, world language) of:

      - 18-19 students in grades K-6, and
      - 25 students in grades 7-12.

      All but a few classrooms in the state's largest school districts meet this recommendation for class sizes.

   2) Ensuring that the number of specialist and elective teachers (art, music, physical education, etc.) equals 20% of the core teachers in grades K-8 and 33% of the core teachers in grades 9-12. The ratio of specialist and elective teachers in North Dakota is very close to this recommended proportion.

3) Making summer school available and subsidizing it for all students needing remedial help. Picus and Associates found the state's summer school factor to be satisfactory and recommended no change.

4) Making alternative schools available where needed. Picus found the state's weighting factor of 0.25 to be acceptable.

5) Providing special education funding in a manner that is consistent with best practices – i.e., having the state fund 100% of the excess costs of the most costly 1% of all special education students, and funding the remainder of the students through a percentage factor multiplied by the regular per student payment.

6) Providing separate funding for career and technical education outside of the main school funding formula.

7) Employing sufficient personnel to serve as non-instructional aides, librarians, principals, secretaries, and central office staff.

8) Providing sufficient funding for technology, instructional materials, operations, and maintenance.

9) Exceeding the average or benchmark expenditures for student activities (i.e., $200 per elementary and middle school ADM and $250 per high school ADM).

II. Certain strategies for improving student performance were discussed by the Commission and found to be inappropriate, untested, or ineffective for the

circumstances of K-12 education in North Dakota. These strategies included the following:

1) Extended day programs funded according to at risk count. Because of the difficulties of extended day logistics in an extremely rural state where transportation and scheduling are already problematic, the Commission determined that statewide extended day programs were not a feasible strategy at this time.
2) Increased state funding for gifted and talented programs. Because of the wide variety of gifted and talented programs across the state and the problem of program accountability, the Commission determined that the state contribution to these programs should be left unchanged.
3) State funding for substitute teachers equal to ten days of absences for every teacher in North Dakota. Because the state requires each school district to provide ten paid days of leave for every teacher, no additional change is needed.

III. Finally, a number of strategies put forward by Picus and Associates to increase student performance were found by the Commission to have merit. Although some strategies are not being recommended in their entirety, the following strategies were found to be worthy of advancement in North Dakota:

1) Instructional coaches and mentors for professional development:

Instructional coaches and mentors are discussed in the section on professional development but are included here as part of the strategies for improved student performance. Picus and Associates state clearly, *"The impact of coaches as part of the professional development program is very large."* Their studies indicate that teachers receiving instructional coaching become significantly more effective at increasing student skill levels and knowledge. They recommend 1.0 FTE instructional coach for every 200 students and categorize mentors as simply instructional coaches for new teachers.

2) Tutors for struggling students:

Picus and Associates state, *"The most powerful and effective strategy to help struggling students meet performance standards is individual one-on-one tutoring provided by licensed teachers."*

Individual and small group tutoring is important for the following reasons:

- Tutoring intervenes immediately when a student is struggling to learn;
- Tutoring is explicitly tied to the specific learning problem that has been identified;
- Tutoring by a trained professional provides the precise help the student needs; and
- Tutoring should remedy short-term learning problems and therefore may not be needed on a continuing basis.

The value of returning the student to the regular classroom as quickly as possible has significant benefits to the performance of the school's students as a whole. Picus and Associates recommend a minimum of one FTE tutor position for every prototypical school district, an additional FTE tutor for every additional 450 students, and another FTE tutor for every 125 at risk students.

3) Counselors and career advisors:

Picus and Associates assert that middle schools and high schools need guidance counselors as an essential element in improving student performance. They emphasize the importance of involving parents in the learning process and ensuring that parents understand what is expected of their children. They state, *"Secondary schools need to help many parents know how to more effectively assist their children in determining both an academic pathway through middle and high school, standards for acceptable performance, and at the high school level, an understanding of the course work necessary for college entrance."*

North Dakota currently requires a full-time credentialed school counselor for every 450 students. Picus recommends the standard of the American School Counselor Association (ASCA), which is one counselor for every 250 secondary students, with a minimum of one counselor per school.

Picus and Associates also recommend the state allow high schools to allocate up to 30% of the required counseling positions to individuals who would provide career counseling and advising services, with the stipulation that such individuals would need training or "certification" in career counseling and advising, but not necessarily a guidance counselor's license.

RECOMMENDATIONS

1) As stated in the Professional Development recommendations, provide $2,300,000 to the Education Standards and Practices Board (ESPB) to expand mentorship grants to train new teachers, and provide matching grants of $500,000 to three pilot programs to initiate model instructional coaching activities.
2) Require the presence of one FTE licensed teacher to serve as a tutor for every 400 students in ADM in grades K-3 beginning with the 2010-2011 school year. Most school districts in North Dakota probably meet this staffing requirement today if they add up all of the teacher hours spent on one-on-one, one-on-three, and one-on-five tutoring sessions. However, the school district should be required to account for this tutoring time and to demonstrate that it is used as part of a structured plan to provide assistance to struggling K-3 students. School districts that have more demand for tutoring would be helped by the Commission's recommendation for an at risk factor of .05 multiplied by the number of students eligible for free or reduced lunches. The full cost of these additional tutors, including state and local costs, is provided as an increase in the per

student payment as reflected in the budget recommendation summary on page 85. These state funds for tutoring must be expended over and above any Federal Title I funds received for tutoring. If a school district determines that it would be more beneficial to hire an instructional coach rather than increase tutoring staff, it may substitute FTE coaches for the required tutor staffing.

3) The total staffing level for counselors in an accredited school district should be increased from one FTE counselor for every 450 students to one FTE counselor for every 300 students in grades 7-12. Further, statutory language should authorize school districts to fill up to one third of the required FTE counselor positions in grades 7-12 with a sub-category of counselors called "career advisors." Career advisors would differ from the regular guidance counselors in the following ways:

   a) Career advisors would not be required to be licensed teachers or to hold a master's degree in guidance and counseling. Instead, they would be required to have a bachelor's degree, have appropriate work experience, and obtain certification in career development facilitation from the North Dakota Department of Career and Technical Education.

   b) Career advisors would focus on helping students in grades 7-12 with career development and work planning activities. They would meet regularly with every student to discuss the student's academic assessments and career interest surveys. They would assist students in learning to use computer assisted career guidance systems.

The career advisor would be considered a specialist within the counselor staff in the school district, and would work together and under the supervision of counselors on all levels. However, where any difference of opinion may arise regarding a student's behavior or psychological well-being, the judgment of the guidance counselor would prevail.

The full cost of these additional career advisor/counselors, including the state and local costs, is provided as an increase in the per student payment as shown in the budget recommendation summary on page 85.

4) $390,000 should be included in the budget for the Department of Career and Technical Education (CTE) to provide for the necessary training and certification of the new career advisors and for program supervision. CTE should be authorized to issue a provisional two-year certificate to individuals with the requisite education and work experience, provided those individuals undergo an initial screening and demonstrate satisfactory progress toward full certification. Individuals must obtain the national Career Development Facilitator credential within two years of the date of provisional certification.

5) $123,618 should be included in the budget for the Department of Public Instruction to cover the costs of one FTE administrator to monitor the expansion of counseling support in the state's schools and in particular, the role of the new "career advisors." This administrator is needed to monitor the accreditation aspects of counseling staffs and to provide direction for the intended use of the new "career advisors."

6) K-8 summer school funding by the state should be limited to remedial coursework. Expand middle school offerings in summer school to include social studies and science courses.

CURRICULUM

BACKGROUND

The Commission agreed that the term "adequate" means a large percentage of high school seniors can be shown to be "ready for college" and/or "ready for work" upon graduation. This suggests the need for quality instruction as well as the curriculum necessary to ensure that students perform well on the state assessment and on a nationally recognized test such as the ACT. Therefore, the Commission carefully examined the current curriculum requirements for graduation in North Dakota and whether those requirements would result in acceptable performance on state and national assessments.

The Commission concluded that any student not taking a third year of mathematics and a third year of science in high school would have considerable difficulty demonstrating proficiency in those subject areas on the state assessment or the ACT. The difficulty arises not only from the lack of expanded knowledge after 10th grade, but also from the lack of practice in solving problems and reasoning effectively in those subject areas for two years prior to college or a work experience.

In order to ensure a graduating class in which every student has successfully completed three years of mathematics and three years of science, the Commission discussed a variety of incentives and sanctions that would produce the desired result without causing an increase in high school dropout rates.

RECOMMENDATIONS

1) Create a diploma that reflects the targeted goals for the mainstream of students graduating from North Dakota high schools. The Commission suggests a "Merit" diploma for all high school graduates who achieve the new state goals of three years of mathematics, three years of science, and three years of focused electives that emphasize languages, fine arts, and career and technical education. The total number of units required for graduation should be set at 22 units for the "Merit" diploma and existing statutes for units required for graduation should be repealed. Of the 22 units required for the awarding of the "Merit" diploma, the following units of study must be completed successfully by the student:

    1) 4 units of English or language arts that includes a balance of literature, composition, and speech;

    2) 3 units of mathematics;

    3) 3 units of science that includes: 1 unit of physical science; 1 unit of biology; and 1 additional unit of any other science;

    4) 3 units of social studies that includes: 1 unit of U.S. history; ½ unit of U.S. government and ½ unit of economics (1 unit of problems of democracy may be substituted for U.S. government and economics); 1 additional unit or two half-units from the following subjects: civics, world history, geography and history, psychology, sociology, North Dakota studies, multicultural studies, or any other social studies course;

5) 1 unit of physical education (½ unit of health and wellness may be substituted for ½ unit of physical education).

6) 3 units of focused electives selected from the following subjects: foreign language; native American language; fine arts; and career and technical education.

7) 5 units of general electives.

The Commission is confident that the state's required course offerings and alternative learning opportunities ensure that the curriculum necessary for a "Merit" diploma is available.

2) In order to avoid any added pressure on certain students to drop out of high school rather than complete the requirements of a "Merit" diploma, the Commission recommends that any student be allowed to opt out of the "Merit" diploma curriculum and instead pursue an optional curriculum for a high school diploma, which would be identical to the current North Dakota high school diploma except one additional unit must be in languages, fine arts, or career and technical education. However, the student should be allowed to opt out only if:

a) The student and the student's parent must meet with the student's guidance counselor or career advisor to discuss the student's course plan and progress to date;

b) The student has completed at least two years of high school;

c) The student's grade point average is in the bottom quartile of the class, or the student has already failed to pass 3 semester courses required for the "Merit" diploma; and

d) The student's parent consents in writing to the student's opting out of the "Merit" diploma curriculum and pursuing an optional curriculum for a high school diploma.

3) The Superintendent of Public Instruction must certify, upon request of the student a Scholarship with Technical Honors for any high school graduate who has completed the following additional requirements beyond the requirements for a "Merit" diploma:

1) In place of the focused electives in paragraph 1F, 4 units of career and technical education including: 2 units of a focused career and technical education program; and 2 additional units of career and technical education related to the focused curriculum, as recommended by the Department of Career and Technical Education and approved by the Superintendent of Public Instruction;

2) 1 additional unit of general electives;

3) Earn a grade of "C" or better in each course that will count toward the 24 units required;

4) Have a cumulative grade point average of "B" or better;

5) Score a 24 or higher composite score on the ACT, or earn a combined score of 1100 or higher on the SAT, or score a 20 or higher on WorkKeys.

4) The Superintendent of Public Instruction must certify, upon request of the student, a Scholarship with Academic Honors for any high school graduate who has completed the following additional requirements beyond the requirements for a "Merit" diploma:
    1) 1 additional unit of mathematics for which Algebra II is a prerequisite;
    2) In place of the focused electives in paragraph 1F, 4 units of focused electives including the following: 2 units of foreign or native American language which is the same language for both units; 1 unit of fine arts or career and technical education; 1 additional unit of language, fine arts, or career and technical education.
    3) Earn a grade of "C" or better in each course that will count toward the 24 units required.
    4) Have a cumulative grade point average of "B" or better.
    5) Score a 24 or higher composite score on the ACT, or earn a combined score of 1100 or higher on the SAT.
    6) Complete at least one unit of an advanced placement course and examination or complete one unit of a dual credit course.
5) The school district shall forward the necessary information for the scholarships upon request of the student. The "Merit" diploma and the accompanying scholarships should be awarded to eligible graduates beginning with the Class of 2012.
6) Beginning with the 2012-2013 academic year, the budget for the North Dakota University System should include sufficient funds to provide $750 per semester, for a scholarship with technical or academic honors for any North Dakota high school

graduate who has been certified by the Superintendent of Public Instruction and is enrolled full time at an accredited institution of higher education in this state. A student should receive scholarship funds only during the six academic years after graduation, and the student is not entitled to receive more than six thousand dollars in total.

ASSESSMENTS

BACKGROUND

Adequacy in school funding requires three distinct elements:

1) The availability of resources to place quality instructors together with students in a positive learning environment;
2) The provision of a strong curriculum that is aligned with state standards and designed to expose students to the material they are expected to learn; and
3) The ability to ascertain that the desired results have been achieved.

This brought the Commission to examine the use of assessments in the state's schools.

Currently, every student in grades 3-8 and in grade 11 is required by law to take a test that measures the student's yearly progress. Overall, North Dakota students score higher in relation to the national averages in math and language tests in both the 4th and 8th grades.

The 11th grade assessment conducted by the state is the only comprehensive test at the high school level designed to measure proficiency in relation to the state's standards. It is valued for its aggregate results, since it is the only comprehensive test of the state's education system as a whole. The Commission heard numerous complaints that the state assessment, when given in the fall of 11th grade, did not produce results in time to be constructively used during the school year.

The Commission also studied the possibility of using the ACT, the SAT, and WorkKeys as summative tests. 80-85% of North Dakota high school graduates took the

ACT test. It is without doubt the most widely used national test to determine readiness for college and work. WorkKeys is a newer test designed by ACT and is targeted to students who are interested in entering the workplace upon graduation or who are contemplating a career and technical education.

The Commission reviewed assessments that include a career interest inventory and received testimony that they are a very valuable tool in advising a student on course plans and work plans, and should be used in conjunction with an advisor.

Finally, considerable time was spent studying formative and interim assessments, which are conducted during a semester and are designed to give the classroom teacher immediate feedback to adjust ongoing teaching to improve the student's mastery of the subject. Teachers and superintendents voiced strong praise for the "Measures of Academic Progress" or MAP tests that are supplied by the Northwest Evaluation Association. This education tool is already widely used across North Dakota. The Commission wondered whether the MAP tests could be used to predict future results on an ACT and thereby serve as a coaching tool for 8th and 9th grade advisors. The Fargo public school district and the University of North Dakota did an extensive statistical analysis and determined that multiple MAP tests, taken over a period of years, serve as a highly reliable predictor of a student's future ACT score. This becomes a very useful tool in the hands of a trained advisor seeking to identify a student's strengths and weaknesses and to provide appropriate advice.

RECOMMENDATIONS

1) Provide funding to every school district to cover 50 percent of the cost of requiring every school district in North Dakota, as a condition for accreditation, to make available and encourage the use of a "formative" or "interim" assessment, such as the "Measures of Academic Progress" test, or a similar test approved by the Superintendent of Public Instruction, to be used by teachers in grades 2-10. Over time these assessments should become aligned as much as possible with the state standards.

2) Require every school district, as a condition for accreditation, to provide a "career interest inventory" assessment at least one time during the period of grades 7-10. This type of assessment includes one of the interest inventories that are included in the North Dakota Career Information Delivery System (CIDS) that is provided by the Bank of North Dakota (currently known as "Choices"), or those interest inventories that accompany the "PLAN," or the Pre-SAT test. No state reimbursement need be provided because "Choices" is available free of charge through the Bank of North Dakota.

3) Provide funding to every school district to cover the cost of requiring their students to take, at least once during their high school career, one of the following summative tests: the ACT, the SAT, or WorkKeys. This requirement will enable policy makers to determine whether high school graduates are ready for college and/or ready for work. The tests may be taken on school premises or at approved testing sites, at the discretion of each school board. Exceptions to this requirement should be available for students

having individualized education program plans and for students with other special circumstances. The results of the selected test should be discussed with the school district's career advisor.

4) The state should include in the state aid distribution formula, the full cost of the summative test (7,000 students x $40 x 2 years = $560,000) and one-half of the cost of the formative assessment (63,000 students x $4.25 x 2 years = $535,500). Approximately $1,000,000 is added to the per student payments to cover these required costs and is reflected in the budget summary recommendations on page 85.

INFORMATION TECHNOLOGY AND STUDENT DATA

BACKGROUND

The North Dakota Information Technology Department (ITD) currently operates and supports various information systems that are important to K-12 education. In addition to the state data network (STAGEnet), which is made available to all schools for a number of purposes, the state supports the Center for Distance Education, which greatly helps to fill gaps in required course offerings, and Education Technology Services (EduTech) which provides technology support, e-mail, filtering, anti-virus software, Blackboard, and PowerSchool support staff.

In its current budget request, ITD is asking for funds to expand the state's Ethernet circuit by 10 megabytes, in order to meet the growing demand in the state for broadband capacity. ITD is also requesting an appropriation of $3,200,000 to provide every school with student information software called PowerSchool. The state would absorb the cost of licensing, implementation, and support for the package.

PowerSchool is the leading student information system designed specifically for K-12 schools. It has several features including state reporting, scheduling, gradebook, attendance, meal tracking, and parental access. Parents can access their child's grades and attendance, school announcements, assignments, schedules, class registration, and teacher comments. Teachers can use PowerSchool to take attendance, enter grades, post assignments, view assessment information, and communicate with parents and students. Administrators can

use PowerSchool to report to the Department of Public Instruction, report to Career and Technical Education, monitor students' attendance and academic progress, and create and maintain master schedules. They can also use it to generate reports including transcripts, discipline logs, class population, demographics, grade point averages, assessment reports, and required state and federal reports.

In addition ITD is requesting the launch of a state Longitudinal Data System that will allow K-12 student information to be placed in a data warehouse and combined later with information from higher education and Job Service, to produce a comprehensive picture of the effectiveness of state education programs and workforce development initiatives. This information becomes the key to future policy decisions by the Governor and the Legislative Assembly. PowerSchool is therefore a very important foundation for supplying K-12 student data to the Longitudinal Data System.

RECOMMENDATIONS

1) The Commission recommends that the ITD budget requests for PowerSchool, Longitudinal Data System, Wide Area Network, and Center for Distance Education be granted. As strategies to improve student performance are implemented, including strategies for teacher mentoring, tutors, career advisors, core curriculum, and assessments, it becomes increasingly important to gather reliable student data to confirm whether or not the strategies are producing the desired results. PowerSchool has been selected by over 3,000 schools across the country and is currently used by 93 schools in North Dakota. A uniformly managed student data system would be an excellent tool in

ensuring equity, adequacy, and accountability in the state's K-12 education effort. All school districts should be required to use the PowerSchool system by September of 2010 unless they are specifically exempted by the Director of the Information Technology Department.

2) The ongoing staffing and support for these IT needs is $4,270,000 and should be appropriated.

TRANSPORTATION PAYMENTS

BACKGROUND

The 2007 Legislative Assembly appropriated $33,500,000 for transportation grants for the 2007-2009 biennium. Over the past ten years transportation grants have rotated back and forth from amounts based on miles traveled and students transported to block grants based on prior years' grants. The intent has been to encourage an entrepreneurial approach to transportation management while at the same time ensuring that the state pays a significant portion of the actual cost of transporting students. Over time the per student payment has been given priority over the transportation grants, and the state's share of transportation costs has declined. Picus and Associates did not make a recommendation regarding adequacy of transportation funding.

RECOMMENDATIONS

1) The Commission recommends that the state increase its share of transportation costs by increasing the state's allowable reimbursement rates to
    a. 81¢ per mile for large school bus miles,
    b. 42¢ for small vehicle miles,
    c. 22¢ per ride for students transported.

RECOMMENDED BUDGET SUMMARY AND OPTIONAL FUNDING PRIORITIES

PER STUDENT FUNDING INCREASES

MAIN FUNDING FORMULA AT $3,420 YEAR 1 and $3,779 YEAR 2 *Includes:* Cost to continue equity payment at $4,000,000; Cost to continue kindergarten at $12,000,000; New at risk factor at $10,000,000	$ 93,300,000	
PRE-K FACTOR IN 2ND YEAR OF .20 7,000 eligible 4 year-olds x 70% participation x $3,600/student x .20 factor for 2 half-days per week; Year 2 start-up	3,500,000	
ONE EXTRA DAY 1/180 x $7,200 x 92,000 ADM (Year 2)	3,680,000	
TUTORS AT 1 PER 400 ADM IN GRADES K-3 (YEAR 2) 70 FTE x $54,000 = $3,780,000	3,780,000	
CAREER ADVISORS: 1 COUNSELOR PER 300 ADM GRADES 7-12 50 FTE x $54,000 = $2,700,000 (Year 2)	2,700,000	
REIMBURSEMENT FOR REQUIRED ASSESSMENTS	1,000,000	
REGIONAL EDUCATION ASSOCIATIONS (BASE ADM)	2,600,000	
		$ 110,560,000

GRANT PROGRAM INCREASES

MENTORING PROGRAM	2,300,000	
INSTRUCTIONAL COACHING PILOT PROJECT	500,000	
REA BASE GRANTS	400,000	
INCREASE IN TRANSPORTATION PAYMENTS	5,000,000	
		$ 8,200,000
TOTAL INCREASE K-12 FUNDING		**$ 118,760,000**

OPTIONAL FUNDING PRIORITIES

POWERSCHOOL, WAN, LDS, AND CDE STAFFING AND SUPPORT	$ 3,966,000
EACH ADDITIONAL CALENDAR DAY FULLY FUNDED	$ 3,680,000

PER STUDENT PAYMENTS FOR MILL LEVY REDUCTION

BACKGROUND

Since 2006 there has been strong interest by the Governor and the Legislative Assembly in providing property tax relief to the citizens of North Dakota. In the 2007 legislative session several different approaches to property tax relief were presented, and there were great difficulties in arriving at a consensus about the best overall method. Eventually Senate Bill 2032 was passed and provided a credit against state income tax for a percentage of property taxes paid. The bill, despite providing substantial financial benefit to property tax payers, was viewed as having some weaknesses, the greatest of which was that the actual property taxes assessed were not reduced in any way.

Both political parties have voiced interest in a plan whereby state funds would be distributed to school districts in the normal fashion, with all or a portion of those funds for the exclusive purpose of reducing school mill levies on a dollar for dollar basis. This would in fact result in actual reductions in local property taxes and increase the state's overall share of the cost of education.

If the Legislative Assembly decides it wishes to provide property tax relief delivered through the school funding formula, they can consider the Commission's preferred plan which would achieve the stated goal of actual mill levy reductions in a structure that would provide optimal equity and workability. This plan would function completely separate from the rest of the K-12 funding formula, although it is designed to be compatible with the main

formula and ready for full integration into the K-12 funding formula in the future, if the state's policy makers so desire.

RECOMMENDATIONS

1) Provide to every school district in the state an allocation of state funds for the sole purpose of reducing the amount of money that the school district would need to raise from general fund levying authority or, secondarily, from tuition levying authority if the allocation allows. The allocation should be determined by multiplying the district's weighted student units by the per student payment, which is limited by several parameters. In order to achieve an ongoing distribution rate of approximately $150,000,000 in property tax relief by Year 2 of the biennium, the net per student amount would need to average approximately $1,600 per ADM. The distribution of the funds is according to the size of the education mission, or according to the number of weighted student units, just as all other school funding is distributed. In order to net this amount after all minimum levy requirements and maximum levy reductions are taken into account, the gross distribution per weighted student should be equal to the per student payment for the main funding formulas.
2) Require each school district to include on its certificate of levy form, which must be filed with the county auditor each year by August 15, the state revenue distribution to be received from the state mill levy reduction measure. The Department of Public Instruction should be required to report to each school district, by July 15 of each year, the amount of dollars available from the state for mill levy reduction. Many people do

not realize that a school board does not actually set the general fund mill levy. The school board merely determines the amount of general funds needed to operate the district and the county auditor establishes the appropriate general fund levy. The mill levy reduction program is based on the taxable valuations established for the prior tax year, and further adjustments to the district's taxable valuation are disregarded until the following tax year.

3) The amount of mill levy reduction should be limited in three ways:

    a) No district is eligible if it levies fewer than 100 mills combined for general fund, tuition, and transportation purposes for the 2008-2009 school year;

    b) The number of mills eligible for reduction is the number of mills levied over 100 mills for general fund, tuition, and transportation purposes; and

    c) The number of total mills eligible for reduction may not exceed 75 mills.

For formula purposes the school district will receive the smallest of the following three computations:

    a) Weighted student units multiplied by maximum dollars allowed per student (full amount);

    b) Combined levies for general fund, tuition, and transportation purposes less 100 mills, multiplied by the total taxable valuation;

    c) 75 mills multiplied by the total taxable valuation.

4) In order to be eligible for state funds for mill levy reduction, the school district must also agree to establish a spending level that does not result in a general fund mill levy over

110 mills. Any district with an adjusted mill levy higher than 110 mills may retain the higher levy if it qualifies under one of the following three exceptions:

a) The district has received the approval of a majority of the patrons as provided under state law, either for the historic general fund levy or for a new levy higher than 110 mills;

b) The higher mill levy is the result of a school district reorganization in compliance with chapter 15.1-12; or

c) The higher levy does not produce an amount in dollars exceeding the amount allowed under section 57-15-01.1 for tax year 2008.

If the school district does not meet these requirements and does not achieve the required general fund levy, it is not eligible for the mill levy reduction grant for that year.

5) In establishing mill levies under the certificate of levy process, the county auditor shall apply the allocated state funds for mill levy reduction first to the computation of the general fund levy and then, if allocation funds remain, the balance may be applied to the reduction of the tuition levy.

6) Section 57-15-01.1 of state law, which allows the amount of dollars generated from the general fund mill levy to remain the same from one year to the next, should be amended to clarify that this law's calculation in the future is: 1) based on the "Base Year Mill Levy," which is the mill levy established for school year 2008-2009; 2) must include as revenue any funds received from the state "Mill Levy Reduction Program"; and 3) applies only to sustainability of revenue from one year to the next. The state program of funding for mill levy reduction must also include a provision that the payment will be no

less than the amount paid the prior year unless the property boundaries of the school district change from year to year.

7) The grant funds for mill levy reduction must be distributed in four equal installment payments, after the Superintendent has verified that the district's Certificate of Levy has established a general fund levy in compliance with the program's requirements, and should be paid in December, January, February, and March.

Attachment 1

Kelsch, RaeAnn G.

From: Raeann.Kelsch@alltel.com
Sent: Monday, April 27, 2009 9:48 AM
To: Kelsch, RaeAnn G.
Subject: Fw: SB 2244 Farm Widowers Exemption
Attachments: Projected TxbVal for CLMS SchDist 2.pdf

From: Coleman, Jerry A.
To: Kelsch, Raeann G
Sent: Mon Apr 27 10:28:17 2009
Subject: SB 2244 Farm Widowers Exemption
Rep Kelsch; I talked to Sara Hewson with the Property Tax division regarding this bill.

An amendment was attached reducing the "capitalized average gross return" rate over a three year period.
This will increase property valuation for agricultural property, but a significant tax shift was not expected when considered along with residential and commercial property increases.
If the increases are relatively uniform, this should not significantly impact the equity payments in the formula.

I had done a projection for Rep Belter on this using tax department data for four counties (attached).
The purpose of the projection was to address an impact on the Property Tax Relief grants.
Because of valuation increases, the amount of money needed to fund the grants will be more.
This will impact the second year.

I used 6% annual increases in my projections ... this may fall between 6% and 8% (an educated guess).
Rep Belter is aware of this impact.

Jerry Coleman
Director - School Finance
ND Department of Public Instruction
(701)-328-4051
jcoleman@nd.gov

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2009 Projected School District Taxable Value (Within and outside County)

CoDist	Description	2009-10 Projected Taxable Valuation	2008-09 Taxable Valuation	Increase	2008 Levy for Property Tax Relief	Property Tax Relief Grant Increase
02-007	Barnes County North/Spiritwoc	16,328,690	16,078,048	250,642	67.93	17,026
02-046	Litchville/Marion	7,874,903	7,103,467	771,436	62.68	48,354
09-001	Fargo #1	248,840,238	241,961,324	6,878,914	75.00	515,919
09-002	Kindred	14,784,586	14,375,882	408,704	66.50	27,179
09-004	Maple Valley #4	10,040,780	9,763,214	277,566	75.00	20,817
09-006	West Fargo #6	159,217,040	154,815,661	4,401,379	75.00	330,103
09-007	Mapleton #7	3,930,422	3,821,770	108,652	75.00	8,149
09-017	Casselton	15,789,350	15,352,871	436,479	56.33	24,587
09-080	Page #80	4,071,346	3,958,798	112,548	66.72	7,509
09-097	Northern Cass #97	12,342,284	12,001,095	341,189	75.00	25,589
11-041	Vernona/Oakes	11,256,704	10,153,983	1,102,721	75.00	82,704
27-036	Mandaree #36	96,888	91,876	5,012	-	-
16-049	Carrington	13,479,715	13,272,805	206,910	59.69	12,350
22-001	Pettibone/Kidder Co	9,794,504	9,644,161	150,343	55.00	8,269
23-003	Edgeley	6,920,113	6,242,210	677,903	75.00	50,843
23-007	Kulm	6,542,390	5,901,489	640,901	75.00	48,068
23-008	LaMoure	7,612,438	6,866,714	745,724	58.01	43,259
24-056	Glen/Gackle	5,745,924	5,183,046	562,878	57.05	32,112
27-001	McKenzie #1	11,467,989	10,874,714	593,275	56.38	33,449
27-002	Alexander #2	3,321,015	3,149,208	171,807	68.89	11,836
27-014	Yellowstone #14	1,893,769	1,795,798	97,971	75.00	7,348
27-018	Earl #18	557,336	507,144	50,192	-	-
27-032	Horse Creek #32	1,813,024	1,719,231	93,793	-	-
31-001	New Town #1	3,998,962	3,792,083	206,879	75.00	15,516
37-006	Ft Ransom/Blackloam	1,181,256	1,065,539	115,717	75.00	8,679
37-024	Enderlin #24	8,263,378	8,034,946	228,432	66.07	15,093
47-001	Jamestown	36,782,562	36,217,958	564,604	75.00	42,345
47-003	Medina	3,789,883	3,731,709	58,174	75.00	4,363
47-010	Pingree/Buchanan	3,547,012	3,492,566	54,446	75.00	4,083
47-014	Adrian/Montpelier	3,023,051	2,726,909	296,142	75.00	22,211
47-019	Kensal	2,788,592	2,745,788	42,804	75.00	3,210
49-014	May-Port CG #14	12,089,950	11,755,737	334,213	75.00	25,066
	Total*	649,186,094	628,197,744	20,988,350		1,496,036
	Projected Valuation Increase			3.34%		
	Projected Statewide		1,987,174,775	66,392,342	71.62	4,755,129

Methodology:
*Cass, Stutsman, McKenzie, Lamoure county property valuation increases were projected to school districts. This total was then projected statewide based on the percentage change for the school districts.

Conclusion:
Based on the assumptions above it appears that, in the second year, the property taxes relief grants will cost the state an additional $4.75 million due to the property valuation increases projected above.

Senator JoNell Bakke HB1400

Chairman Holmberg and members of the Senate Appropriations Committee for the record, my name is Senator JoNell Bakke from District 43 in Grand Forks. I am here in support for HB1400. During the interim, the Commission on School Improvement, met and drafted a bill that addressed many of the issues of adequacy of education. It was a well thought out and well researched bill.

During the deliberations of the senate education committee an amendment was made that removed all language relative to preschool programming. I did not vote in favor of that amendment and I feel these portions of the bill should not have been removed. For that reason, I have an amendment for this committee's consideration to put back the sections that dealt with preschool education. Legislative council prepared the amendments and I have them here for you to review. Since the original bill was hog housed, I was told that I needed to hog house it again to put these section back in the bill.

The sections that I will be adding to this bill will return these sections as they came over from the house. They include:

Section 36 - This section would outline the criteria for the approval of an early childhood education program. This would include having an individual who is licensed to teach early childhood education, a developmentally appropriate curriculum and that the facility is in compliance with all municipal and state health, fire and safety requirements.

Section 37 – Which establishes three requirements operation of an early childhood education program: 1) students in the program cannot be enrolled in kindergarten 2) students have reached the age of four before September 1st and 3) Enrollment of a student is voluntary.

Section 38 – Give a school district permission to operate an early childhood education program in a public school building or any other setting meeting regulations.

Section 39 – This allows a school district to receive any state or federal funds specifically appropriated for early childhood education and gifts or grants. They may not divert any state funds intended for other public school programs.

Section 40 – In order to be eligible for state Pre-K grants a school district must establish an advisory council, use a n application process, give admission priority to free and reduced lunch eligible students, limit class size to 20 students, provide a program equal to at least 90 days of instruction, and meet other requirements.

Section 41 – This section establishes the membership and duties of the school district's early childhood advisory council.

Section 42– In the original bill draft asked for an appropriation of 3 million for grants to school districts operating an early childhood education program. The house lowered this amount to 1.5 million which is the amount appropriated in this amendment.

The ND Education Improvement Commission spent two years working on what would be an adequate education for the children of our state. The commission hired consultations which came back with the recommendation that a preschool program be put into place. North Dakota is one of 12 state without a state funded preschool program and I would ask that this committee return this portion of HB1400 to its original state.

I thank you for your attention to this amendment. That concludes my testimony and I will stand for questions.

Bakke amendment #1

Bakke, JoNell A.

From: Fischer, Valerie J.
Sent: Monday, March 09, 2009 5:27 PM
To: Bakke, JoNell A.
Subject: amendment request to HB 1400

Hope you had a good day - I'm sure for you they go really fast! You must sleep very well each night!
Thank you for considering introducing the amendment request to HB 1400.
Specifically, we're requesting the following:
Section 15 (page 14) relating to curricular directives.

The Department requests consideration of the following change:
SECTION 15. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:
Specific curricular directives -
1. The superintendent shall ensure that:
b. the content standards for high school health education courses address social interactions and problem-solving skills; work and study habits; bullying; gangs; tobacco, drug, and alcohol use; and anger, anxiety, depression, and suicide; be amended to:
b. the North Dakota DPI Health Education content standards shall be used when teaching Health Education for grades 9-12.

Page 14 16.- change to underlined language above

The Health Education content standards address what is described above, but the **intent to require use of the standards is not clear**. This language change will benefit Health Education teachers across the state who want to provide instruction from a more expansive curricular list and not be limited to the identified topics. The Department acknowledges the data which supports that prevention education in the identified areas is necessary, but Health Education is best taught through a comprehensive approach. All educators have access to the content and achievement standards and our unit provides professional development on infusing the standards into the curriculum. Attached is a [illegible]ing of topics generally addressed in Health Education. The content standards for Health Ed can be found at: [illegible]p://www.dpi.state.nd.us/standard/content/health/grade9-12.pdf.

Health Education.doc

Let me know if you have any questions or need more info -thanks so much - appreciate your time to help with this.

Valerie Fischer
Director of Adult Education
Director of School Health
Department of Public Instruction
State Capitol, 600 East Boulevard Avenue
Bismarck, ND 58505
701.328.4138 fax 701.328.4770
vfischer@nd.gov

Adult Education * School Health * Safe & Drug Free Schools * Learn & Serve
HIV/AIDS Prevention Education * Youth Risk Behavior Survey

SB 1400

Good morning Chairman Freborg and members of the Senate Education Committee.

For the record, I am District 25 Representative John Wall, and I appear today to offer support for HB 1400.

I applaud the efforts of the North Dakota Commission on Education Improvement which have culminated in bringing this important legislation forward. The hard work of the education leaders involved in this process will be rewarded by providing an improved educational experience for all North Dakota students, and I would respectfully ask this committee to give HB 1400 a "Do Pass" recommendation.

Thank you, Chairman Freborg and members of the Senate Education Committee.

Flakoll, Tim

From: Coleman, Jerry A.
Sent: Friday, March 20, 2009 1:16 PM
To: Flakoll, Tim
Subject: RE: question

These are the numbers supporting the executive budget recommendation.

Taxable Valuation for the current school year is 1,988,764,880.00
Estimated Imputed Taxable Valuation is 2,114,563,604.61

From: Flakoll, Tim
Sent: Thursday, March 19, 2009 11:24 AM
To: Coleman, Jerry A.
Subject: question

What is the total state taxable value for the state that is used in the funding formula?

Senator Tim Flakoll
1350 Second Street North
Fargo, ND 58102

Flakoll, Tim

From: Walstad, John M.
Sent: Friday, March 20, 2009 11:07 AM
To: Christmann, Randel D.; Cook, Dwight C.; Flakoll, Tim; Freborg, Layton W.
Cc: Heller, Brenda A.
Subject: Imputed values

Gentlemen:

The stuff I learned this morning:

1. **Transmission lines-** 230Kv and above:
   RECs- Current law, per mile tax **All goes to county general fund, none to schools**
   -SB 2297 effective January 2010, 1/3 to county and 2/3 among taxing districts in the county where the line is located in proportion to their mill rates
   IOUs- Assessed and property taxed but 57-06-17.3 says for lines placed in service after October 1, 2002, there is a property tax exemption for the first year, a phased in property tax for years 2-4, and then no property tax but a $300 per mile tax allocated among taxing districts would apply so there will eventually be in lieu money for schools.
2. **Distribution lines-**
   RECs- Current law, per mile tax allocated among all taxing districts where the line is located based on mill levies.
   -SB 2297 effective January 2010, tax of $1 per MWH, allocated 50% based on where the sale occurred and 50% based on line location.
   IOUs-Property tax.
3. **Generation-** All coal generation is subject to conversion tax already imputed at 70%. SB 2297 will impose a tax for generation from other than coal in 2010. That tax will be allocated among taxing districts based on their tax levies so schools will get some.
4. **Financial institutions tax-** They pay property tax but also financial institutions tax. However, the institutions tax goes to the county general fund....none to schools.

I hope this is useful. Sorry it is complicated but it is complicated.

John Walstad
Code Revisor
North Dakota Legislative Council
600 E. Boulevard Avenue
Bismarck, ND 58505

Please add to file for HB 1400

Sen. Flakoll 3/23/09

Attachment 5

Flakoll, Tim

From: Sanstead, Wayne G.
Sent: Thursday, April 16, 2009 11:17 AM
To: Flakoll, Tim
Subject: RE: Question

Sen Flakoll: High School Course Codes for Sign Language credit are a part of the Career and Technical Education cluster system for Health Careers and would not substitute as a "foreign language."

From: Flakoll, Tim
Sent: Thursday, April 16, 2009 10:25 AM
To: Sanstead, Wayne G.
Subject: Question

I read in the House discussion on HB 1400 the question of "does sign language count towards a foreign language?"

Can you let me know what the deal on that is?

Senator Tim Flakoll
1350 Second Street North
Fargo, ND 58102

For the Record on HB 1400.

(15) HB 1400
26 Jan 09
1 of 1

Testimony Offered to House Education Committee on HB 1400

By Michel Hillman
North Dakota University System

January 26, 2009

Madame Chair and members of the House Education Committee, for the record my name is Mike Hillman, Vice Chancellor for Academic and Student Affairs with the North Dakota University System. The North Dakota University System supports the important Commission on Education Improvement recommendations addressed in HB 1400. If approved, the bill would support important systemic improvements in career development and counseling and would put an appropriate focus on improving student achievement. District professional development plans will enable NDUS institutions to more easily identify and respond to local district professional development needs. The addition of private sector and higher education representatives to the Commission will assist in making the much needed linkages between school achievement and preparation for college and work. The development of an Early Childhood Learning Council will help to provide an additional focus on the very foundations of education, a highly valued part of North Dakota's culture. All of these investments will pay important dividends as North Dakota competes in the evolving global economy.

As part of a recent effort to move to system-wide and, when possible, state-wide articulation agreements the NDUS hosted a discussion between public, private and tribal higher education providers and the state early childhood education community. This productive discussion resulted in the **North Dakota Early Childhood Higher Education Consortium (NDECHEDC) Statewide Early Childhood Education Articulation Agreement** attached here for your information. This agreement, which guides students as they transfer between institutions and between associate degree and baccalaureate degree programs, has been incorporated into NDUS Procedures: http://www.ndus.nodak.edu/uploads/document-library/1818/NDUS-10-EARLY-CHILDHOOD-EDUCATION.PDF This agreement describes how individual courses meet the general education, pre-requisite, and early childhood major requirements at 18 post-secondary institutions in the state. Since the intent is to update the agreement on an annual

basis in response to the needs of the early childhood community it would be beneficial to add a higher education representative to the council membership found in Section 30 of the bill.

The initiatives found in HB 1400 will provide the foundation for future improvements in the state's education system. As the world becomes even more competitive additional changes will need to be considered so that all students have a level of education which enables their personal economic success and which also supports state economic competitiveness. All students entering the job market or postsecondary education following high school will need high levels of quantitative, communication and problem solving skills. Although the focus will need to evolve to student demonstrations of achievement, not just "seat time" requirements, in the near future this is likely to mean curricular requirements of at least three units of mathematics at the algebra level or above and at least three units of a laboratory science. Although all students will need to attain high levels of academic achievement, students can have very different learning styles and it will be very important for students to have access to multiple curricular pathways which all lead to the same high level of achievement. Additional applied approaches to learning, for example, will be needed to increase student engagement as well as raise standards. As you look to the future of education in North Dakota I encourage you to also look at the common cross-sector outcomes, broader participation at the table and the goal of making the state education system standards and expectations equivalent to the best-performing countries in the world as proposed by HB 1081. Given its strong foundations, North Dakota is one of the few states in the country where that goal is within reach.

Please let me know if I can answer any questions or provide any additional information.

G:\MICHEL\My Documents\HB 1400 Testimony 1-26-09.docx

North Dakota Early Childhood Higher Education Consortium
Statewide Early Childhood Education Articulation Agreement[1]
2008-2009

Purpose: This agreement has been drafted by and is endorsed by the members of the North Dakota Early Childhood Higher Education Consortium (NDECHEC). It is intended to facilitate student transfer and early childhood education program articulation between the following campuses:

Bismarck State College	Cankdeska Cikana Community College
Dickinson State University	Fort Berthold Community College
Jamestown College	Lake Region State College
Mayville State University	Minot State University
Minot State University – Bottineau	North Dakota State College of Science
North Dakota State University	Sitting Bull College
Turtle Mountain Community College	United Tribes Technical College
University of Mary	University of North Dakota
Valley City State University	Williston State College

Guidelines:

1. The articulated courses listed within this agreement have been evaluated by the members of NDECHEC and have been found to be equivalent. Further these courses have been found to meet criteria required for early childhood education teacher certification in the state of North Dakota.
2. Except where specifically noted, individual courses or groups of courses will be transferable to all institutions listed above. A student may attend a single campus prior to transfer or may attend multiple campuses prior to transfer. In either case, the courses will transfer between listed institutions and will fulfill general education, pre-requisite, and/or early childhood education requirements as annotated in the attached agreement.
3. A minimum grade of "C" is required for transfer of any course that is to be used as a part of the early childhood education major. Courses not required as part of the early childhood major must meet minimum grade standards of the receiving institution. In some cases, a grade of "D" in non-major courses will meet certain requirements, but acceptance of grades of "D" is at the discretion of the receiving institution. In all cases, grades of "C" or above will be accepted as equivalent to matching courses on the receiving campus as annotated in the attached agreement.
4. Acceptance into the receiving institution's education program is based upon both academic criteria (overall GPA, successful completion of required courses, and successful completion of the Praxis I (PPST) test) and non-academic criteria (viability for teacher certification, i.e. ESPB-required background check).
5. Students who transfer between signatory institutions of the North Dakota General Education Requirements Transfer Agreement and who completed their general education requirements after 1996 (for university system institutions) or after their final sending institution has its GERTA Gold Page approved (for non system institutions) will be deemed to have completed all lower division general education requirements at the receiving institution.
6. Members of NDECHEC must approve subsequent early childhood education articulation agreements drafted between an individual signatory or between groups of signatories to this document and secondary schools.
7. This agreement is in force from the date of its approval through the spring semester of 2008. All signatories to this document agree to meet and review this document prior to its expiration. All signatories will have the right to continue, amend, or cancel their involvement with this agreement at that time. Prior to the end of the spring semester of 2008, all signatories to this early childhood education articulation agreement will honor all provisions of the agreement
8. The signatories to this document are not responsible for any required changes to this document that come about as a result of changing state teacher certification requirements, national accreditation requirements or changes to state or federal law.

Sending Institution	Receiving Institution				
Completed Course				Transfer Acceptance	Credits
English Composition I/ Writing	BSC, CCCC, DSU, FBCC, LRSC, MaSU, MiSU, MSU-B, NDSCS, NDSU, TMCC, UND, UTTC, VCSU, WSC: **ENGL or ENG 110, College Composition I** JC: **ENGL 101, Freshman Composition I** SBC: **ENG 101, English I** UMary: **ENG 103, The Writing Process**			Each of these courses fulfills/satisfies the first/introductory writing course for all partner institutions.	3-4
English Composition II/ Writing	BSC, CCCC, DSU, FBCC, LRSC, MaSU, MiSU, MSU-B, NDSCS, NDSU, TMCC, UND, UTTC, VCSU, WSC: **ENGL or ENG 120, College Composition II** JC: **ENGL 102, Freshman Composition II** SBC: **ENG 102, English II** UMary: **ENG 203, Intermediate Composition**				3-4
Public Speaking/Speech	BSC, CCCC, DSU, FBCC, LRSC, MaSU, MiSU, MSU-B, NDSCS, NDSU, TMCC, UND, VCSU, and WSC: **COMM 110, Fund. of Public Spkg**				3-4
	JC: **COMM 201, Fund. of Public Spkg**	SBC: **COM 101, Speech**			
	UMary: **COM 109, Oral Communications**	UTTC: **COM 106, Speech**			
Intro to Soc, Social Problems, Family Family Science	BSC, DSU, LRSC, MaSU, NDSCS, UND, WSC: **SOC 110 , SOC 115 or SOC 220**			Each of these courses fulfills/satisfies the general education requirements (GERs), pre-requisite, and graduation requirements for the ECE major	3-4
	CCCC: **SOC 110 or SOC 115 or SOC 220**	FBCC: **SOC 110 or SOC 215**			
	JC: **SOC 101 or 201**	SBC, MiSU: **SOC 101 or SOC 201**			
	MSU-B: **SOC 110**	TMCC, VCSU: **SOC 110 or SOC 220**			
	UMary: **SOC 107 or 302**	UTTC: **SOC 101**			
	NDSU: **SOC 110, 115, CDFS 135**				
Introduction to Psychology/General Psychology	BSC, CCCC, DSU, FBCC, LRSC, MaSU, MiSU, MSU-B, NDSDS, NDSU, TMCC, UND, VCSU, WSC: **PSYC or PSY 111**				3-4
	JC: **PSY 101**	SBC: **PSY 101**			
	UMary: **PSY 201**	UTTC: **PSY 101**			
Social Science Elective[2]	Approved GERTA Social Science Elective				3
Arts/Humanities Elective[2]	Electives should be chosen from U.S. or World History, Foreign Language, Art, Music, Native Studies				6-9
College Algebra[3]	All Inst: **MATH, MTH, MAT or MA 103**				3-4
Science courses required for elementary education teacher certification[4]	**Any** Human Biology Elective	**Any** Physical Science Elective (Chem. or Phys.)	**Any** Earth/Space Science Elective (Geol, Physical Geog, Astronomy	**Any** Computer Science Elective	These courses satisfy GERs & elementary education certification requirements	9-12
Developmental Psychology, Child Development, Life Span Development	BSC, DSU, FBCC, LRSC, MSU-B, NDSCS, TMCC, VCSU, WSC: **PSY or PSYC 250**				This course fulfills/ satisfies pre-requisite and graduation requirements for the ECE major.	3-4
	CCCC: **PSYC 250 or 252**	JC: **PSYC 203**				
	MaSU: **PSYC 255**	SBC: **ECH 130**				
	MiSU: **PSYC 252**	UMary: **PSY 207 or 332**				
	UND: **PSYC 250 or T&L 252**	UTTC: **PSY 250 or 251**				
	NDSU: **PSYC 250 or CDFS 330**					

Special Needs, Education of Exceptional Student/Learners	CCCC: **EDU 237** FBCC: **SPED 110** LRSC: **EDUC 290** MiSU: **SPED 110** TMCC: **SPED 110** UND: **T&L 315** VCSU: **EDUC 240**	DSU: **PSYC 280** JC: **EDU 303** MaSU: **EDUC 337** SBC: **SPD 200** UMary: **EDU 295** UTTC: **EDU 205** WSC: **EDUC 210**	These courses fulfill/satisfy pre-requisite and graduation requirements for the ECE major.	2-3
	This course is not offered at BSC, MSU-B, NDSCS, and NDSU.			
Children's Literature	BSC: **ENGL 238** FBCC: **ENG 238** LRSC: **ENGL 238** MiSU: **ENG 238** TMCC: **ENGL 238** UND: **T&L 328** VCSU: **EDUC 330**	DSU: **ELED 238** JC: **EDU 343** MaSU: **ENGL 317** SBC: **LIT 228** UMary: **EDU 250** UTTC: **ENG 238** WSC: **ENGL 238**		3
	This course is not offered at CCCC, MSU-B, NDSCS, and NDSU.			
Introduction to Education/Practicum[5]	BSC: **EDUC 250/EDUC 298** JC: **EDUC 201** LRSC: **EDUC 250/EDUC 298** SBC: **EDUC 250/EDUC 298** UTTC: **EDU 250/EDU 298** WSC: **EDUC 250/EDUC 298**	DSU: **EDUC 250/EDUC 198** MaSU: **EDUC 250/EDUC 298** MiSU: **ED 201** UMary: **ED 201** VCSU: **EDUC 200**	This course will fulfill early childhood elective program requirements.	2-3
	This course is not offered at CCCC, FBCC, MSU-B, NDSCS, NDSU, TMCC, UND, and UTTC.			
The remaining courses listed within this agreement are part of the required courses for the early childhood major. Students may choose a maximum of five of the eight listed courses to transfer to a North Dakota bachelor's degree-granting institution. Students should seek advisement prior to registering for these courses to determine the best course of action.				
Introduction to ECE Common Course Number 210/310 (adopted November, 2006)	This course is offered at LRSC, MaSU, SBC, UND and UTTC. CCCC: **ECU 100** JC: **EDUC 206** UMary: **EDU 215** UTTC: **ECE 250**	FBCC: **ECD 101** MiSU: **ED 335** TMCC: **T&L 310** UND: **T&L 310**	These courses fulfill/ satisfy major, and graduation requirements for the ECE major. Students may choose a maximum of five ECE courses to transfer.	3-4
Pre-Professional Experience, Internship, Field Experience, Practicum[5, 6]	BSC: **EDUC 298** FBCC: **ECD 295** LRSC: **CHLD 297** SBC: **ECH 297** UTTC: **ECE 252** WSC: **EDUC 298**	DSU: **EDUC 198** JC: **EDUC 374** MaSU: **EC 211** TMCC: **CHLD 170** VCSU: **EDUC 337** UND: **T&L 286**		1-5
	This course is not offered at CCCC, MiSU, MSU-B, NDSCS, and NDSU			

EC Language Development[6] Common Course Number 213/313 (adopted November, 2006)	This course is offered at MaSU, SBC, UND and UTTC.		These courses fulfill/ satisfy major, and graduation requirements for the ECE major. Students may choose a maximum of five ECE courses to transfer.	2-4
	CCCC: **EDU 217**	FBCC: **TL 213**		
	JC: **EDUC 350**	VCSU: **EDUC 390**		
	MiSU: **ED 360**			
Family and Community Relations Common Course Number 238/338 (adopted November, 2006)	This course is offered at MaSU and UND.			2-4
	TMCC: **CHLD 186**	SBC: **ECH 238**		
	UMary: **EDU 413**	UTTC: **ECE 240**		
ECE Methods for Children, Pre-K[6] Common Course Number 233/333 (adopted November, 2006)	This course is offered at LRSC, MaSU, SBC, UND and UTTC.			2-3
	MiSU: **ED 430**	TMCC: **CHLD 123**		
	FBCC: **ECD 122**			
Social and Emotional Guidance[6] Common Course Number 236/336 (adopted November, 2006)	This course is offered at LRSC, MaSU, SBC, UND and UTTC.			3-7
	FBCC: **ECD 131**	TMCC: **CHLD 246**		
	CCCC: **EDU 236**			
Pre-School Management/Childcare Administration Common Course Number 222/322 (adopted November, 2006)	This course is offered at LRSC, MaSU, SBC, UND and UTTC.			2-3
	TMCC: **CHLD 221**			
Infants and Toddlers Common Course Number 220/320 (adopted November, 2006)	This course is offered at LRSC, MaSU, UND and UTTC.			2-3
	CCCC: **EDU 231**	FBCC: **EDUC 121**		
	NDSU: **CDFS 320**	TMCC: **CHLD 222**		

1. Each institution maintains its own set of general education requirements (GERs) under North Dakota State Board of Higher Education policy. Completing lower division GERs at any NDUS institution guarantees completion at all NDUS institutions. Completion of lower division GERs at Cankdeska Cikana Community College, Turtle Mountain Community College, Sitting Bull College and United Tribes Technical College guarantees completion at all NDUS institutions.
2. Most campuses require a cultural diversity course, which should be selected from the Social Science or Arts and Humanities general education categories.
3. College algebra *is not* required for early childhood education majors at all campuses. College algebra *is* required for students who double-major in early childhood and elementary education at all campuses. Students should consult with individual campuses to determine a best course of action prior to transferring.
4. While some sciences are required for all majors at all campuses in North Dakota, these *particular* categories are not required for early childhood education majors. These categories *are required* for students who double-major in both early childhood and elementary education. All early childhood education majors should consult with an advisor prior to registering for science courses.
5. Students must request evidence of successful field experience be forwarded from their previous institution's education department to their new institution's education department.
6. UMary will not accept these courses in transfer.

NOTE: Some campuses require a higher GPA for admission into education programs than is required for admission to the institution. Consult with your receiving institution to determine GPA requirements.

NOTE: The PRAXIS I is now required for teacher certification in North Dakota. Some campuses require this prior to admission into the program.

NOTE: Although grades of "C" will transfer to UND, all transferred education courses used as part of an education major must earn a minimum grade of "B."

NOTE: Completion of the AA/AS degree has been shown to increase the likelihood of a student's completion of a baccalaureate degree.

NOTE: Sending campuses may include Cankdeska Cikana Community College, Fort Berthold Community College, Turtle Mountain Community College, Sitting Bull College, United Tribes Technical College, and all North Dakota University System campuses. To be included in this agreement, campuses must have their individual courses approved by the Physics Common Course Number Discipline Group.

Bismarck State College

Dickinson State University

Lake Region State College

Mayville State University

Minot State University

Minot State University - Bottineau

North Dakota State College of Science

North Dakota State University

University of North Dakota

Valley City State University

Williston State College

North Dakota University System

Testimony Offered to
Senate Education Committee on HB 1400

By Michel Hillman
North Dakota University System

March 9, 2009

Mister Chairman and members of the House Natural Resources Committee, for the record I am Mike Hillman, Vice Chancellor for Academic Affairs with the North Dakota University System. The North Dakota University System supports the important Commission on Education Improvement recommendations addressed in HB 1400. If approved, the bill would support important systemic improvements in career development and counseling and would put an appropriate focus on improving student achievement. These investments will pay important dividends as North Dakota competes in the evolving global economy.

Sections 11, 12 and 13 of the bill describe a new $750 per semester merit scholarship to be administered by the State Board of Higher Education. This new program will require tracking of student grade point averages, funds disbursed per student and student academic year eligibility. An estimated 2,500 students per year will be eligible for the new scholarship, growing to perhaps 10,000 to 12,000 students in the first six years of the program. The North Dakota University System office does not have adequate staff resources to administer a program of this size and requests that $230,000 be identified in the bill to provide resources for the administration of the new scholarship program. Without added funding, the NDUS will have a difficult time rolling out the new program in a timely and responsive manner, and maintaining the high level of service which students and parents expect.

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House Education Committee
Testimony on HB 1400
January 26, 2009

Madam Chair, members of the committee, my name is Wayne Kutzer, I am the Director of the Department of Career and Technical Education.

Section 1 and 2 of this bill set the requirements for a Career Advisor, while I don't have concerns with those qualifications, the CTE Board currently establishes qualifications and provides certification for CTE teachers under 15-20.1-03 subsection 8, which states it is under the boards power and duties, "To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors." The qualification for Career Advisors should fall under the same authority. I would make the following language change recommendations:

"**Career development facilitation -Certificate -Qualifications.**

1.The department shall develop a program leading to a certificate in career development facilitation. The department shall award the certificate to any individual who:

~~a. Holds a baccalaureate degree from an accredited institution of higher education;~~

~~b. Has at least a five-year employment history; and~~

~~c. Successfully~~ completes the department's programmatic requirements.

2. An individual holding a certificate awarded under this section is a career advisor.

~~**SECTION 2.** A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:~~

~~**Career development facilitation - Provisional approval.**~~

~~1. The department may provisionally approve an individual to serve as a career advisor if the individual:~~

~~a. Holds a baccalaureate degree from an accredited institution of higher education;~~

~~b. Has at least a five-year employment history; and~~

~~c. Provides the department with a plan for completing the department's programmatic requirements within a two-year period.~~

1. ~~Provisional approval under subsection 1 is valid for a period of two years and may not be extended by the department.~~ "

I would also offer recommendations to Section 5 which is on the top of page 6; it speaks to the duties of Career Advisors.

"**Career advisor – Duties.** A career advisor shall ~~meet with students in grades seven through twelve, discuss the student's academic assessments and career interest surveys, and pursue with the student career development and work planning activities~~ provide sequential career development curriculum, current career information, and related career exploration opportunities for students grades 7- 12. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff."

Since this section has been written, we have worked with school counselors to assist us in making these suggested changes. We see Career Advisors working with students in the "career management domain"; providing career development curriculum and opportunities through group and classroom work. There are three domains in school counseling; 1) personal-social, 2) academic, and 3) career development/management. I have attached a list of duties for Career Advisors, which fall into career management. Also attached is more background information on Career Advisors, what their training would look like, as well as information on their roles in relation to school counselors.

Section 11 on page 11 refers to the Merit scholarship - Technical Honors, I would offer two changes to the language in this section; in subsection 1. (b) it refers to a student completing a CTE recommended plan of study and that it would be approved by the DPI. I would recommend it be changed to "approved by CTE" and striking the approved by the DPI.

Also recommending in subsection 4, change the score of "twenty" to *five on each of the three assessments* on the WorkKeys. There are three assessments within WorkKeys, Applied Mathematics, Reading for Information, and Locating Information. The range of scores on these assessments is from 1 to 7. Nationally if an individual receives a 5 or more on each assessment they achieve the gold level. Here is Section 11;

15.1-21-02.2. Merit scholarship -Technical honors. A student is eligible to receive a merit scholarship with technical honors provided the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1 for a high school diploma and:

1. a. Completes one unit of algebra II in fulfillment of the mathematics requirement set forth in subsection 2 of section 15.1-21-02.1;

   b. Completes two units of a coordinated plan of study ~~recommended~~ *approved* by the department of career and technical education ~~and approved by the superintendent of public instruction~~; and

   c. Completes three additional units, two of which must be in the area of career and technical education

2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;

3. Obtains a cumulative grade point of at least "B"; and

4 Receives a composite score of at least twenty-four on an ACT, a score of at least one thousand one hundred on the critical reading and mathematics portions of the SAT, or a score of at least ~~twenty~~ *five on each of the three assessments* on the WorkKeys.

Finally, Section 28 on page 24 lists the membership of the Commission. Career and Technical Education should be included on this commission under Subsection 1, as a voting member. As a distinct education agency in this state and with the recommendation coming out of this commission directly affecting CTE we should have a direct voice.

Madam chair and members of the committee with these changes we would support these sections of HB 1400 and I would be glad to answer any questions.

Duties of Career Advisors

A Career Advisor is someone who has a bachelor's degree and has successfully completed the national Career Development Facilitator (CDF) certification training or certified guidance counselor having completed the Career Development Facilitator certification training. This career advisor shall work under the supervision of a certified guidance counselor. Guidance personnel include certified school guidance counselors and career advisors.

An individual employed by school districts to provide career services shall work to ensure the coordination, accountability, and delivery of career awareness, development, and exploration to students in kindergarten through twelfth grade. This individual shall:

(1) coordinate and present professional development workshops in career development and guidance for teachers, school counselors, and work based constituents;

(2) assist schools in promoting the goals of quality career development of students in kindergarten through twelfth grade;

(3) assist school counselors and students in identifying and accessing career information and resource material;

(4) provide educators, parents, and students with information on career and technology education programs offered in the district;

(5) support students in the exploration of career clusters and the selection of an area of academic focus within a cluster of study;

(6) learn and become familiar with ways to improve and promote career development opportunities within the district;

(7) attend continuing education programs on the certified career development facilitator curriculum sponsored by the State;

(8) assist with the selection, administration, and evaluation of career interest inventories;

(9) assist with the implementation of the district's student career plan or individual graduation plan;

(10)assist schools in planning and developing parent information on career development;

(11)coordinate with school counselors and administration career events, career classes, and career programming;

(12)coordinate community resources and citizens representing diverse occupations in career development activities for parents and students; and

(13)assist with the usage of computer assisted career guidance systems.

WK

A Guide to Appropriate Career Development (Counseling) Responsibilities

Appropriate Career Development (Counseling) Responsibilities	Inappropriate (or Non-counseling) Responsibilities
• Individual student academic program planning • Interpreting cognitive, aptitude, and achievement tests • Counseling students with excessive tardiness or absenteeism (i.e. keys to employability) • Counseling students who have disciplinary problems (i.e. key to employability) • Counseling students as to appropriate dress (i.e. key to employability) • Collaborating with teachers to present guidance curriculum lessons • Analyzing grade-point averages in relationship to achievement • Interpreting student records in relationship to achievement and aptitude • Collaborating with school principal; identifying and resolving student issues, needs, and problems • Working with students on career development and planning • Advocating for students at individual education plan meetings, staff meetings, and/or student study teams as related to career planning • Disaggregate data for analysis • Coordinating or administering aptitude and interest tests	• Registering and scheduling of all students • Coordinating and administering cognitive and achievement tests • Signing excuses for students who are tardy or absent • Performing disciplinary actions • Sending students home who are inappropriately dressed • Teaching classes when teachers are absent • Computing grade-point averages • Providing teachers with suggestions for better management of study halls • Ensuring that student records are maintained as per state and federal regulations • Supervising study halls and detention • Clerical record keeping • Assisting with duties in the principal's office • Preparing of individual education plans, 504 case managing, student study teams and school attendance review boards • Data entry such as LCAP reports • Extra-curricular advisory assignments

Excerpt from:
ND Career Development Content Standards
http://www.nd.gov/cte/standards/doc/career-dev-final-approved-Feb07.pdf
Based on and adapted from Campbell, CA & Dahir, CA. (1997) *Sharing the Vision: The ASCA National Standards for School Counseling Programs*, Alexandria, VA: American School Counselor Association

Career Facilitators/Advisors & School Counselors

Career Facilitators/Advisors (work in Career Management Domain)

- Provide career & labor market information
- Focus on career information portion of the Career Management Standard/ND Career Development and ASCA Standards
- Disseminate career information to groups of students, parents, and educators
- Assist in providing real world career exploration experiences for students and educators, including: career fairs, job shadows, information interviews, practice job interviews, externships, cooperative work experiences, and student internships, etc.

Career Facilitators/Advisors with Career Development Facilitator training (again working in Career Management Domain) could also assist teachers and counselors with:

- Guidance Central usage
- Career exploration or research
- Postsecondary research
- Scholarship research and financial aid application
- Assessment of interests, workplace readiness skills, works values, etc.
- Assist students in developing a plan of study
- Assist student in developing a comprehensive portfolio

School Counselors (work in all three domains – Personal/Social, Academic, and Career Management; these are the three domains defined by the National Career Development Association and American School Counselor Association –ASCA recommends that 75% of the school counselor's time be spent providing direct services to students.)

The school counselor role includes:

- Classroom guidance (based on the standards)
- Individual counseling and planning (including class selection)
- Intervention and referral
- Short-term counseling and support
- Assessment and interpretation (interest, aptitude, learning styles, work values, etc)
- Interpretation of achievement assessments
- Assist individual students in making plans for their future utilizing information gathered about their interests, aptitudes, values, strengths

The following tasks do not require the skills of a career facilitator, or those of a professional school counselor:

- Maintaining student records and/or transcripts
- Scheduling students, classes, facilities, and/or assessments
- Managing and administering achievement assessment programs

Utilizing a professional counselor for these administrative tasks prevents them from providing direct services to students; and financially, it is not an efficient use of resources.

NORTH DAKOTA CAREER DEVELOPMENT CONTENT STANDARDS AND TOPICS

1.0 PERSONAL SOCIAL DEVELOPMENT

- Acquire the knowledge, attitudes, and interpersonal skills that encourage the understanding and respect of self and others.
  - 1.1 Develop understanding of self to build and maintain a positive self concept.
  - 1.2 Develop positive interpersonal skills including respect for diversity.
  - 1.3 Integrate personal growth and change into one's career development.
  - 1.4 Balance personal, leisure, community, learner, family, and work roles.

2.0 EDUCATIONAL ACHIEVEMENT AND LIFE-LONG LEARNING

- Acquire the attitudes, knowledge, and skills that contribute to effective learning in school and across the life span.
  - 2.1 Attain educational achievement and performance levels needed to reach personal and career goals.
  - 2.2 Participate in ongoing, life-long learning experiences to enhance one's ability to function effectively in a diverse and changing economy.

3.0 CAREER MANAGEMENT

- Acquire the skills to investigate the world of work in relation to knowledge of self to make informed career decisions.
  - 3.1 Create and manage a plan that focuses on career goals.
  - 3.2 Use a process of decision-making as one component of career development.
  - 3.3 Use accurate, current, and unbiased career information during career planning and management.
  - 3.4 Master academic, occupational, and general employability skills in order to obtain, create, maintain, and/or advance in employment.
  - 3.5 Integrate changing employment trends, societal needs, and economics conditions into career plans.

Career Advisors
Training and Implementation Proposal
Draft

Premise: Career Advisors are an important addition to any comprehensive counseling and guidance program. CAs would work under the supervision of a licensed school counselor. They would expand the quality and scope of services by working closely with school and career counselors in a variety of contexts. Introducing CAs into school is one way to increase access to career facilitation and guidance services. Infusing CAs into a comprehensive team also allows for efficient use of available expertise.

All CAs would become certified as a Career Development Facilitator (CDF). CDF training is a national certification based on 12 competencies, (listed on the back of this sheet) which were developed by the National Career Development Association. The credential is through the Center for Credentialing and Education part of the National Board for Certified Counselors.

First step in the process:

Train the trainer – train additional people in the state to be trainers

Typically trainers would be counselors or career services personnel, some are currently trained and could start training with short notice.

Goal would be to have 6 to 12 trainers to cover the state over a two year process

Estimated cost to train the trainer is about $1,500 per person + travel expenses (room, meals, mileage). Cost is dependent who the trainers are and when the training would take place.

Local Career Advisor training for CDF credential

Training component: 120 hours of instruction by in-state trainers- some could potentially be done online. We would need to secure rights to curriculum.

Credentialing - two step process:

1) Offer a state issued two- year provisional credential effective upon initial hiring, which may be extended another two years if satisfactory progress is made toward full certification. This credential could come out of CTE.
2) Individual must apply for and receive national CDF credential
    a. National guidelines require course completion and work experience in career development to become certified. This experience can be gained while working as a CDF. If you have a:
        Graduate degree – 1,400 hours of work experience is needed
        Bachelors' degree – 2,800 hours of work experience is needed
        Two years of college – 4,200 hours of work experience is needed

Accountability: Each school counseling/career development program which would include the Career Advisor, would develop and submit a program of work based on a common statewide set of program standards. (It is currently required of all Career Development Counseling programs that are approved by CTE.)

Cost of training Career Advisors is dependent on the number to be trained. To hold cost to a minimum and to be most cost effective we would train our own in-state trainers. The cost of training will be picked up by the state, not the school or the individual.

CDF CORE COMPETENCIES
(Covered in training program)

Competency Area1: **Helping Skills** (42 behavioral indicators)
Be proficient in the basic career facilitating process while including productive interpersonal relationships.

Competency Area2: **Labor Market Information and Resources** (26 behavioral indicators)
Understand labor market and occupational information and trends. Be able to use current resources.

Competency Area3: **Assessment** (29 behavioral indicators)
Comprehend and use (under supervision) both formal and informal career development assessments with emphasis on relating appropriate career development assessments to the population served.

Competency Area4: **Diverse Populations** (7 behavioral indicators)
Recognize special needs of various groups and adapt services to meet their needs.

Competency Area5: **Ethical and Legal Issues** (19 behavioral indicators)
Follow GCDF Code of Ethics and know current legislative regulations.

Competency Area6: **Career Development Models** (31 behavioral indicators)
Understand career development theories, models and techniques as they apply to life-long development, gender, age, and ethnic background.

Competency Area7: **Employability Skills** (24 behavioral indicators)
Know job search strategies, and placement techniques, especially in work with specific groups.

Competency Area8: **Training Clients and Peers** (7 behavioral indicators)
Prepare and develop materials for training programs and presentations.

Competency Area9: **Program Management/Implementation** (18 behavioral indicators)
Understand programs and their implementation, and work as a liaison in collaborative relationships.

Competency Area10: **Promotion and Public Relations** (5 behavioral indicators)
Market and promote career development programs with staff and supervisors.

Competency Area11: **Technology** (12 behavioral indicators)
Comprehend and use career development computer applications.

Competency Area12: **Supervision** (5 behavioral indicators)
Accept suggestions for performance improvement from consultants or supervisors.

Senate Education Committee
Testimony on HB 1400
March 9, 2009

Some handouts exception for the following given to House + Senate Education

Mr. Chairman, members of the committee, my name is Wayne Kutzer, I am the Director of the Department of Career and Technical Education.

Section 1 of this bill sets the requirements for a Career Advisor and identifies the Department of Career and Technical Education to develop a program and award the Career Advisor credential. Section 2 of this bill outlines a provisional approval process for Career Advisors. I believe that subsection 2 which eliminates the provisional approval after two years will be problematic.

Provisional approval is critical to maintaining both flexibility and a reasonable response time to be able to prepare Career Advisors into the future. There are many times that schools must hire someone in the month of August or even during the school year due to unforeseen circumstances. If the provisional approval "tool" is not available it will mean that schools will not be able to fill last minute openings. The use of provisional approval is not new to teaching. As an example, we currently set the teaching requirements for individuals to teach in technical fields. Provisional certification is a tool we use in the process to get individuals who meet the minimum requirements but need to get some additional education and training to become fully licensed to teach in ND. Our process includes yearlong mentoring and seminars and is very effective in providing provisionally licensed teachers what they need to know to be in the classroom. Over the past five years we have had an 85% retention rate of new teachers who enter teaching with a provisional license. Section 2 will remove the flexibility that we and schools have in attracting and retaining Career Advisors. I would recommend that Section 2 be amended out of the bill.

I also recommend an amendment to Section 5 on page 6 line 10 which sets the duties of a Career Advisor. The change would be – after the words "A career advisor shall…" (see below): "**Career advisor – Duties.** A career advisor shall ~~meet with students in grades seven through twelve, discuss the student's academic assessments and career interest surveys, and pursue with the student career development and work-planning activities~~ provide sequential career development curriculum, current career information, and related career exploration opportunities for students grades 7- 12. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff."

Since the section was originally written, we have worked with school counselors to come up with these suggested changes. Career Advisors work with students in the "career management domain"; providing career development curriculum and opportunities through group and classroom work. There are three domains in school counseling; 1) personal-social, 2) academic, and 3) career development. I have attached a list of duties for Career Advisors, which fall into career management. Also attached is more background information on Career Advisors, what their training would look like, as well as information on their roles in relation to school counselors.

Finally, Section 29 on page 25 lists the membership of the Commission. I believe that Career and Technical Education should be included on this commission under Subsection 1, as a voting member. As a distinct education agency in this state and with the recommendations coming out of this commission directly affecting some of what our agency does, CTE should have a direct voice.

Mr. Chairman this ends my testimony and I would be glad to answer any questions.

Clarification of roles:

School Counselor – Career Development Counselors
Career Advisors
Career Resource Coordinators

School Counselors and Career Development Counselors:

Perform the same function in schools – fill the same roles in a school counseling program

Except that Career Development Counselors:

1. Have completed or met additional educational and work experience requirements to earn a Career Development Credential issued by CTE.
2. File an updated Program of Work and file annual end-of-year reports.
3. Receive technical support and professional development opportunities to emphasize the "Career" domain.
4. Schools receive 35% salary reimbursement funding from CTE.

Career Advisors:

Career Advisors would work under the supervision of a credentialed school counselor; primarily in the career development domain. They would expand the scope of services by working closely with school and career counselors in a variety of contexts, including:

1. Disseminating career and labor market information to student, parent, and/or teacher groups,
2. Assisting counselors in providing "real world" career exploration experiences for students and educators (i.e. career fairs, job shadows, information interviews, practice job interviews, job seeking skill information, externships, cooperative work experiences, and student internships, etc.)
3. Assisting counselors and teachers with RUReadyND.com (Choices) usage with students, career exploration or research, postsecondary research, scholarship and financial aid research and application, interest assessment, etc.

Career Advisors would receive global career facilitator training and additional training planned and delivered by ND CTE. Career Advisors would develop and submit a program of work based on a common statewide set of program standards, and would be supervised by ND CTE.

Career Resource Coordinators: (currently 4 in the state)

1. Deliver training to teachers and counselors in the use of career planning resources such as the career information delivery system, RUReadyND.com (formerly Choices, which includes electronic portfolios, state and national occupation information and postsecondary programs, educational and career plans of study) and testGEAR (an ACT preparation tool), the Career Outlook publication, and the career planning resources available on the CTE website.
2. Regionally based – each coordinator works with about 45 schools.
3. Establish resources to connect businesses, educators, parents, and students to specific career opportunities within their regions in order to facilitate job shadows, internships, work experiences, and career fairs.

CAREER DEVELPOPMENT FACILITATOR (CDF)
TRAINING PROGRAM CORE COMPETENCIES (120 HOURS)

Competency Area1: **Helping Skills** (42 behavioral indicators)
Be proficient in the basic career facilitating process while including productive interpersonal relationships.

Competency Area2: **Labor Market Information and Resources** (26 behavioral indicators)
Understand labor market and occupational information and trends. Be able to use current resources.

Competency Area3: **Assessment** (29 behavioral indicators)
Comprehend and use (under supervision) both formal and informal career development assessments with emphasis on relating appropriate career development assessments to the population served.

Competency Area4: **Diverse Populations** (7 behavioral indicators)
Recognize special needs of various groups and adapt services to meet their needs.

Competency Area5: **Ethical and Legal Issues** (19 behavioral indicators)
Follow GCDF Code of Ethics and know current legislative regulations.

Competency Area6: **Career Development Models** (31 behavioral indicators)
Understand career development theories, models and techniques as they apply to life-long development, gender, age, and ethnic background.

Competency Area7: **Employability Skills** (24 behavioral indicators)
Know job search strategies, and placement techniques, especially in work with specific groups.

Competency Area8: **Training Clients and Peers** (7 behavioral indicators)
Prepare and develop materials for training programs and presentations.

Competency Area9: **Program Management/Implementation** (18 behavioral indicators)
Understand programs and their implementation, and work as a liaison in collaborative relationships.

Competency Area10: **Promotion and Public Relations** (5 behavioral indicators)
Market and promote career development programs with staff and supervisors.

Competency Area11: **Technology** (12 behavioral indicators)
Comprehend and use career development computer applications.

Competency Area12: **Supervision** (5 behavioral indicators)
Accept suggestions for performance improvement from consultants or supervisors.

15-20.1-03. Powers and duties of state board relating to career and technical education. The state board shall have all authority necessary to cooperate with the United States department of education, or other department or agency of the United States of America, in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.

2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education, and to contract with:

   a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
   b. Any public or private institution or agency, or political subdivision of another state.

3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.

4. To provide for the preparation of teachers.

5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.

6. To make studies and investigations relating to career and technical education.

7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.

8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.

9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.

10. To coordinate new and existing farm management programs offered by any state agency or entity.

11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.

Source: S.L.1971, ch. 158, § 4; 1983, ch. 82, § 22; 1997, ch. 49, § 6; 1999, ch. 163, § 1; 2003, ch. 138, § 18.
Cross-References. Career and technical education certificate qualifications unaffected by general teacher certification requirements, see § 15.1-13-10.

WIC 3/16/09 1400

In North Dakota graduation pays:

Linking student success in high school to economic prosperity.

quality education = student success = economic prosperity

North Dakota P20

North Dakota Department of Public Instruction, North Dakota University System, North Dakota Education Standards and Practices Board, North Dakota Career and Technical Education

WS

CONNECTING EDUCATION WITH 21ST CENTURY JOBS

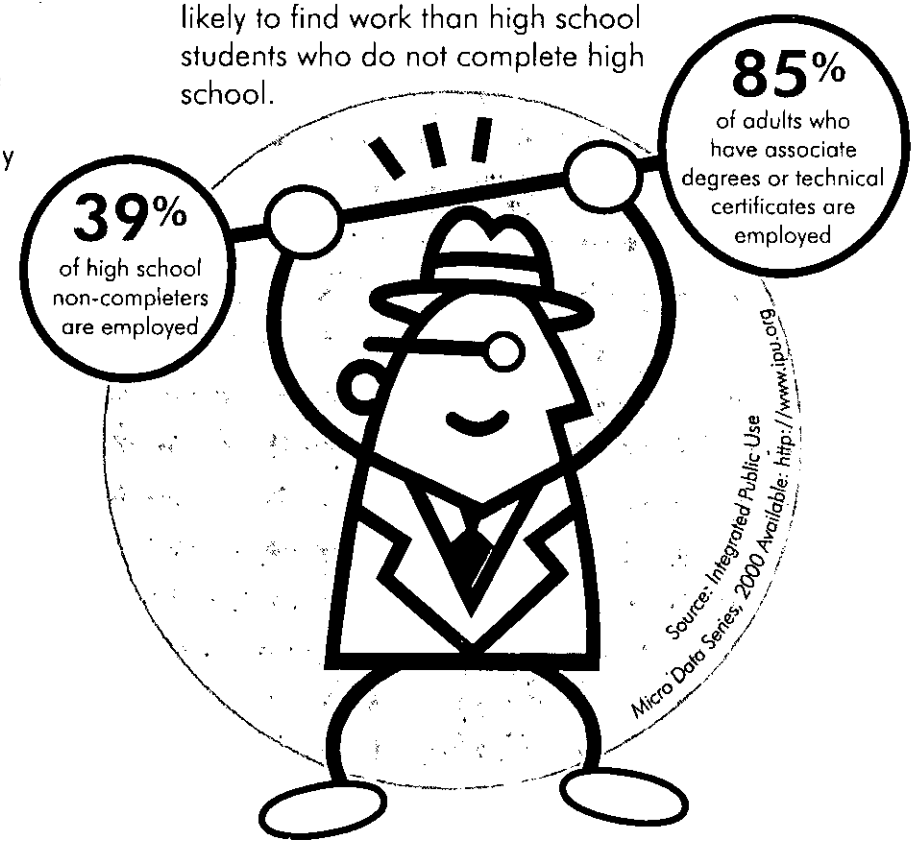
Global competition

The increased use of technology and the ability to communicate with anyone - anywhere - has escalated the rate of change in North Dakota and around the world. North Dakota's workforce competes, not only with people around the block but nationally; including educated people in developing countries of the world.

College and work requirements have changed a great deal since the 1960's, yet our high schools have changed little in either environment or curriculum. Scores from current ACT tests indicate that North Dakota students need to be better prepared in math and science to adequately respond to projected labor shortages such as health care and education.

Education is the strength of North Dakota employability

Community college graduates are more likely to find work than high school students who do not complete high school.



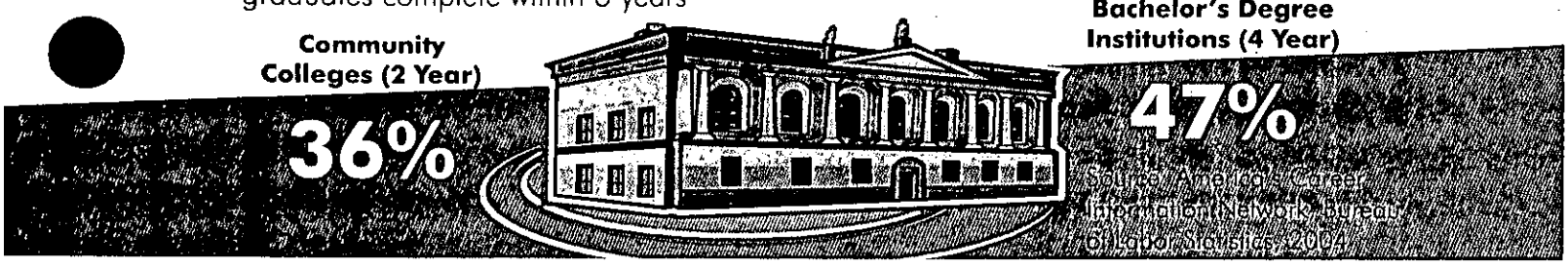
Academic preparation for college is the best predictor for success

Nearly two thirds of North Dakota students who expressed interest in health care, education, information technology, management and engineering are ready for first year college English courses; only one-half are prepared for college-level social science courses; less than one-half are prepared for college math or science courses.

Math and science are key engines that drive the 21st Century economy. North Dakota's energy and value-added agricultural industries are especially well-positioned for future growth.

Demand higher college completion rates

36% of 2 year program graduates complete within 3 years, and 47% of 4 year program graduates complete within 6 years



21st Century employers expect high school graduates to be able to demonstrate skills in communications, writing, problem solving, teamwork, critical thinking and decision making.

To ensure North Dakota's children can compete, students must have access to a high quality education. High school graduates must meet the challenges of college and the world of work - both choices require the same level of preparation.

For these reasons, it is critical that

1) high school students have the knowledge, skills and abilities required for the workforce and college success,

2) schools are staffed with well-qualified educators,

3) achievable goals are set, progress is measured and institutions are held accountable for student success,

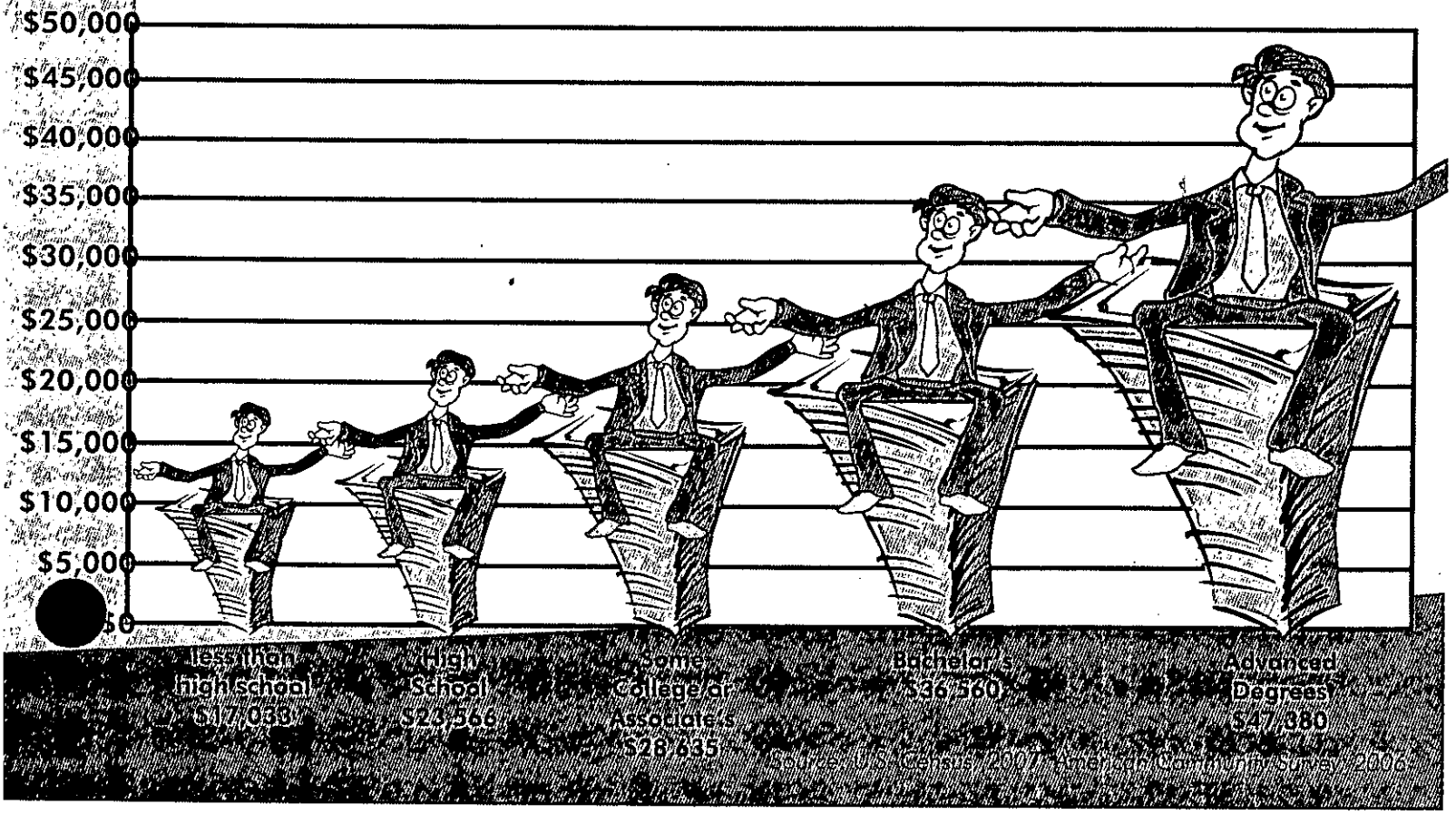
4) high schools are designed to provide challenging courses,

5) all levels of governance are reviewed and adjusted to remove roadblocks to student success, and

6) all students have the necessary support for success, such as tutoring services and career counseling.

The more you learn, the more you earn

In North Dakota, a graduate with a bachelor's degree makes nearly $20,000 more per year, on average, than a student who does not complete high school.

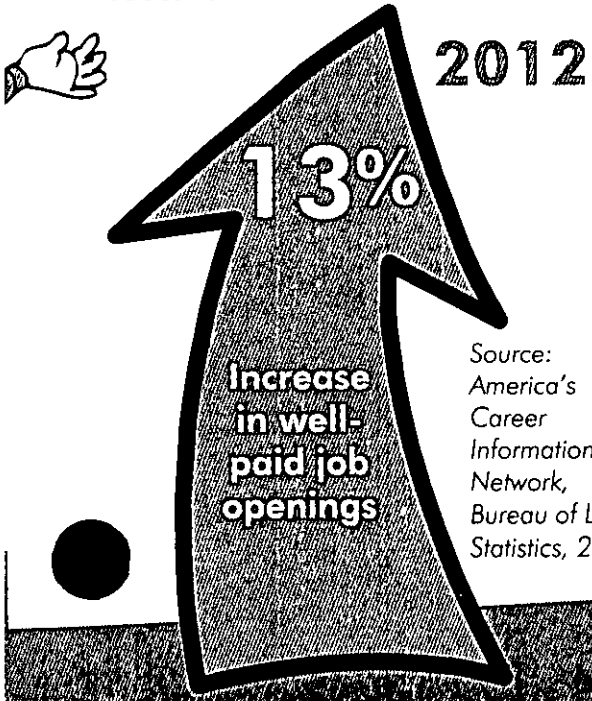


North Dakota P20 represents a broad sector of North Dakota state agencies, businesses and educators committed to helping students respond to critical workforce needs and preparing them for a prosperous future in North Dakota.

Although North Dakota's high school graduation rate is high, only 23% of those graduates are prepared for college or work. Research indicates that when expectations are raised, more students stay in high school and graduate prepared for college and work.

Want more for our children? Insist on college-ready graduation

By 2012, North Dakota will see a 13% increase in well-paying jobs for computer and software engineers, nurses and teachers. These jobs require at least some postsecondary education.



Source: America's Career Information Network, Bureau of Labor Statistics, 2004.

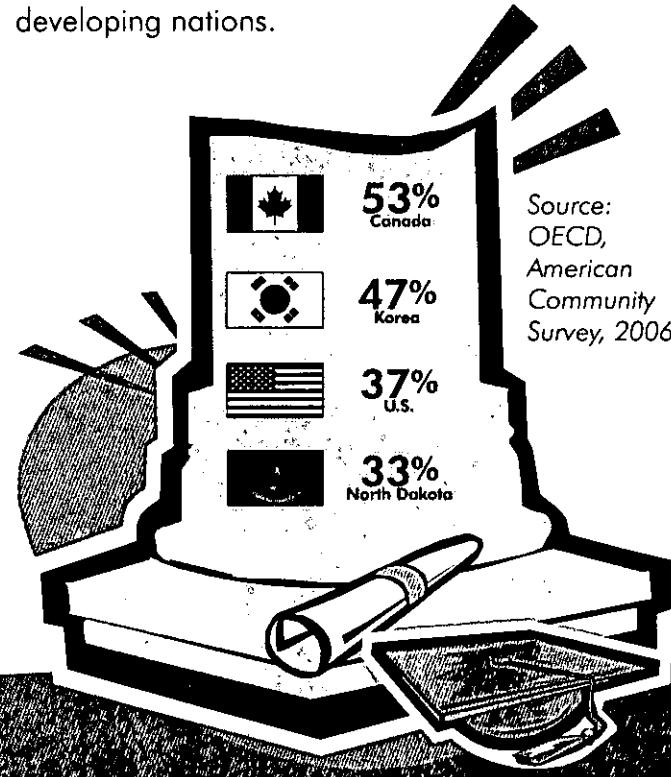
Educated workforce needed

North Dakota's recent economic growth in the advanced manufacturing, technology and energy fields is responsible for the creation of many new businesses and thousands of jobs. Skill shortages in high demand fields have the potential to hamper the state's economy. Current and future labor projections serve as a wake-up call. Education leaders must partner with leaders in government and business and must be proactive and bold in their response to this challenge; all must support meaningful improvement.

There is hard work ahead, but if we choose to support quality education, the benefits will be substantial. Better income and better jobs for our children will be the result!

North Dakota's economic vitality

33% of North Dakota's workforce has at least an associate's degree or higher, which is lower than the US average and that of other developing nations.



Source: OECD, American Community Survey, 2006

What Can You Do...

As a student?

- Know the educational requirements for the career you may choose to pursue
- Take rigorous classes
- Visit a career counselor and develop a career plan

as an educator?

- Continue your education
- Support higher student expectations
- Challenge all students

as a North Dakota citizen?

- Let your school board and your legislators know that high school graduates must be better prepared
- Support your teachers

as a parent?

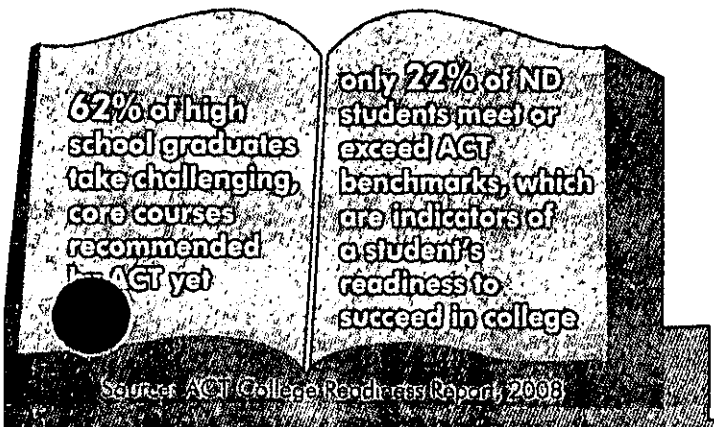
- Review and understand ACT scores and other standardized tests
- Speak to policy makers about establishing graduation requirements that adequately prepare students for the 21st Century
- Contact your school district about your student's career counseling needs

as a school board?

- Increase high school graduation requirements
- Require more challenging courses
- Provide comprehensive career planning to link academic achievement to careers

Better preparation

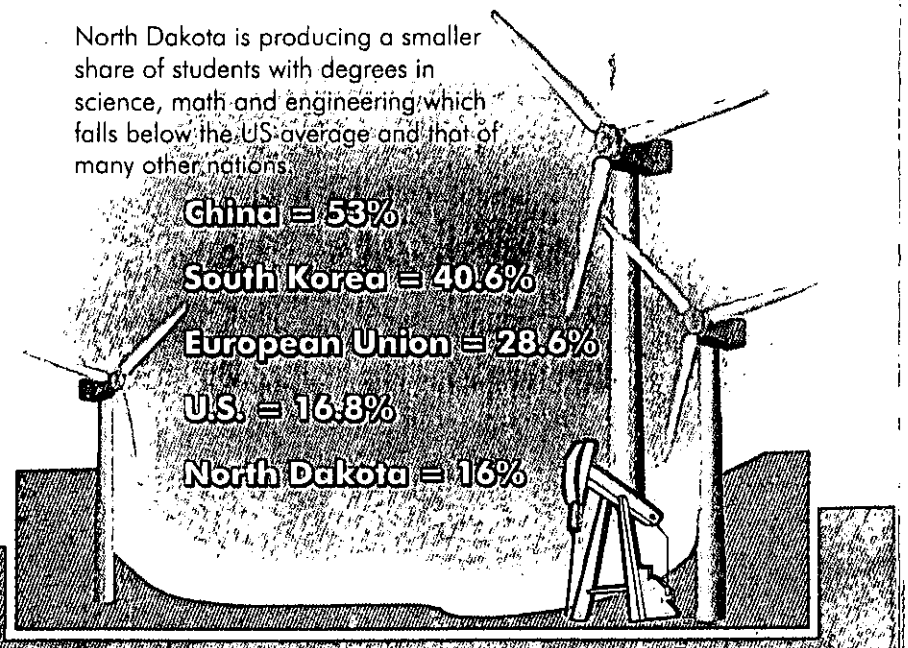
ACT core courses include 4 or more years of English; 3 or more years of mathematics; 3 or more years of social studies and; 3 or more years of natural sciences.



Source: ACT College Readiness Report, 2008

North Dakota's comparative innovation

North Dakota is producing a smaller share of students with degrees in science, math and engineering which falls below the US average and that of many other nations.



Source: National Science Foundation 2006; U.S. Department of Education, Integrated Postsecondary Education Data System, 2004

North Dakota P20

North Dakota Department of Public Instruction (www.dpi.state.nd.us/), North Dakota University System (www.ndus.edu), North Dakota Education Standards and Practices Board (www.nd.gov/espb/), North Dakota Career and Technical Education (www.nd.gov/cte)

Do you know that...

..North Dakota has one of the highest high school graduation rates in the nation and one of the highest rates of high school students going immediately to college, but one of the lowest rates of students completing college?

..41% of 4th grade students are proficient or advanced in math and 35% of 8th grade students are proficient or advanced in math (NAEP); and yet by high school, only 23% are prepared for college (ACT)?

..27% of incoming college students are taking remedial math and English courses?

..for every 100 students in the 9th grade, 27 will not go immediately to college; 32 will not finish college; and only 25 will earn a degree within a reasonable time?

..while North Dakota's achievement is stable, regional states are advancing in both ACT composite and sub test scores in math, science, English and reading?

..for the first time in 2004, North Dakota's college loan default rate surpassed the national average?

..students say they would work harder if their school set higher standards and raised expectations?

Excerpts from research and publications provided to North Dakota's 61st Legislative Assembly by members of the Education Improvement Commission and the (P-16) Education Task Force.

NORTH DAKOTA
SCHOOL BOARDS
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Excellence in North Dakota public education through local school board governance

SENATE EDUCATION COMMITTEE
HB1400

Bev Nielson, North Dakota School Boards Association

Recommendations for funding K-12 education have been totally changed. OMB presented the Governor's recommendations for use of federal stimulus money to the Appropriations Committees last week. The recommendation for education was to use federal stabilization money to fund a large portion of the $100 million increase to K-12, which would have originally come from state general fund dollars.

This drastic change away from use of state funds in favor of the temporary use of federal stimulus money to fund K-12 education causes several concerns:

1. Will state money be there to replace federal funds in the 2011-2013 biennium?

2. Federal money is required to go out based on the Title 1 formula guidelines so individual districts will receive different amounts than they would have received under the current foundation aid formula.

3. Even if the state has money to replace federal dollars in 2011-2013, those dollars will go out on the foundation aid formula (not Title I used for 2009-2011), so districts will get entirely different funding amounts (yet again) than the previous biennium and may not be able to sustain staffing and programming. Thus, a significant portion of funding for schools will be based on the following:

2007-2009	North Dakota's Foundation Aid Formula
2009-2011	Federal Title 1 Formula
2011-2013	North Dakota's Foundation Aid Formula

4. Even though federal money will be distributed based on the Title 1 formula in 2009-2011, it can be used for anything related to ESEA, IDEA, Perkins, and modernization or renovation of buildings. It should be used for one-time expenditures that supplement state foundation aid.

5. Because two different distribution formulas will be used in the next two biennia, it will be impossible for school boards to accurately predict what level of

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salary increases they will be able to sustain. NDEA may want 70% of the federal money to go to salaries, even though the state's replacement money for the following biennium will go out to districts under a different formula in 2011-2013 and those 2009-2011 salary increases may not be sustainable for some districts. Boards want to able to give salary increases but they have to be able to predict what funds will be available to sustain them.

6. The new foundation aid formula was carefully crafted with multiple mathematical factors to ensure equity in distribution of education funding and to eliminate (to the greatest extent possible) the practice of distributing money outside the formula. Using federal money that cannot be distributed on the equity formula, in lieu of state dollars that can, is counter to the intent of the of the new formula and I would submit, counter to the intent of the stabilization dollars.

NDSBA has supported the adequacy concepts in **HB1400** and the proposed state funding levels in **HB1013**. However, given the unforeseen and potentially insurmountable problems caused by using two different distribution formulas over the course of four years (two biennia), NDSBA finds it hard to support the recommended change in funding source.

The Governor's Commission on Education Improvement has worked for over three years to develop an equitable funding formula and make recommendations for academic and funding adequacy. It does not seem prudent to lay it all aside.

As little as three weeks ago, we believe the legislature was ready and able to invest 100 million general fund dollars in K-12 education—money that would flow through the foundation aid equity formula to fund academic adequacy. The legislature should do just that!

We believe the one-time federal funds should be used to provide local districts with money for one-time expenditures such as replacement of outdated instructional materials, classroom technology and training, updating library resources, CTE equipment and materials, and building modernization and renovation. By using the federal money **as it was intended**, schools can make long postponed purchases and repairs and the funding formula would not have to be compromised.

SECTIONS OF HB1400 AND NDCC IMPACTED BY CHANGE OF FUNDING SOURCE AND DISTRIBUTION FORMULA

- NDCC 15.1-27-35.3—Formula penalty for ending fund balances in excess of 45% of expenditures plus $25,000. This section of code will likely need to be suspended for 2009-2011 because of the amount and timing of distribution of federal funds.

- HB1400: Section 22—State-funded per pupil payments going through the foundation aid formula will be significantly less.

- HB1400: Section 23—Determination of minimum and maximum allowable increases in foundation aid will likely have to be adjusted.

- HB1400: Section 24—Imputations for equity payments will likely have to be adjusted.

- HB1400: Section 44—teacher compensation language and computation of 70% need to be removed or significantly amended.

- HB1400—All the new staffing and programming requirements.
  DPI will have to make perfectly clear to districts how much of which funds they are receiving in 2009-2010 will be replaced with state dollars in 2011-2013 **and an estimate of what their state foundation aid payments will be for that biennium**. Without this information, they will not know what can be spent on meeting the new requirements in HB1400. These new program expenditures will have to be sustained.

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Senate Appropriations Committee
HB1400
Bev Nielson, North Dakota School Boards Association

Chairman Holmberg and members of the Committee, I stand before you today dismayed and frustrated. For nearly four years, the Commission on Education Improvement worked tirelessly to develop a foundation aid formula that addressed equity and adequacy. The new formula hasn't even survived one biennium and **HB1400** hasn't even been given a chance to be implemented, yet the Governor's office appears willing to abandon it all by underfunding the formula to the tune of $63 million.

Every formula factor found in **Sections 23** and **24** of **HB1400** was carefully crafted to ensure fair state funding for new staffing and programs mandated in the bill. If the Governor's stimulus recommendation for education is adopted, the base per-pupil payment would be reduced by as much as $300, which means the amount derived from every factor in the formula will be drastically reduced as well—leaving all the programs significantly underfunded. Please refer to EXHIBIT A for examples of areas impacted by a reduction in the base per-pupil payment and EXHIBIT B for the Commission's careful calculation of costs involved in new initiatives.

It is critical we all understand that cutting the requested appropriation for per-pupil payments will do irreparable harm to the equity formula and make the academic adequacy recommendations in **HB1400** virtually unfunded mandates. In regard to the lawsuit settlement, this is a sad step backward.

The Department of Public Instruction has made it clear that federal stabilization money for education CANNOT be distributed on weighted pupil units nor can it be used for general operational expenses of the school district. As DPI testified before your joint appropriations committee meeting:

- ✓ School districts will have to go through multiple application processes through DPI to even become eligible for federal stabilization dollars. They don't automatically get the money.

- ✓ Stabilization dollars would NOT be front-funded but rather be paid on a reimbursement basis (interesting concept, since the districts would not have the money to spend in first place).

- ✓ Stabilization dollars CANNOT be used for across-the-board salary increases.

Hopefully, it is finally becoming clear to everyone that it just isn't true to say these federal dollars can "replace" foundation aid dollars.

Schools would, however, have multiple uses for one-time federal dollars, including; building renovation, modernization of heating and ventilation systems, equipment and technology upgrades, CTE equipment, professional development, etc. One-time federal money would be welcomed for these types of needs. We believe that is the intent of the federal law and would support the money's distribution for those purposes.

NDSBA has supported the work of the Commission since its inception and supported **HB1400** and **HB1013** as they were introduced. So, it breaks my heart to stand before you today and say that we cannot support the adequacy mandates contained in **HB1400** unless the foundation aid formula is fully funded with state general fund dollars as originally proposed in the Executive Budget. There is just no other way school districts will be able to meet the requirements.

Thank you for your consideration.

A

TABLE 2

ILLUSTRATION FOR REVISED MAIN FUNDING FORMULA
PREPARED FOR THE ND COMMISSION ON EDUCATION IMPROVEMENT
(Based on Grafton School District Prior Year Data Rounded)

KEY	DESCRIPTION	ADM	WEIGHTING FACTOR	WEIGHTED ADM
1	Grades K-12 ADM *(based on prior year-end)*	828.00	1.00	828.00
2	PK Special Ed ADM	24.00	1.00	24.00
3	**BASE ADM**			**852.00**
4	Special Ed ADM *(non-contract)*	852.00	0.07	61.74
5	Pre-K Eligible ADM	30.00	.20	6.00
6	Pre-K Special Ed ADM	24.00	0.17	4.08
7	English Language Learners: Level 1	5.00	0.20	1.00
8	English Language Learners: Level 2	6.00	0.05	0.30
9	English Language Learners: Level 3	20.00	0.02	0.40
10	Special Ed ESY	10.00	1.00	10.00
11	Alternative High School	0.00	0.25	0.00
12	Summer School	16.00	0.60	9.60
13	Migrant Summer School	50.00	1.00	50.00
14	Home-Schooled (Supervision)	6.00	0.50	3.00
15	At Risk – Poverty	180.00	0.05	9.00
16	Small Isolated *(additional ADM for minimum)*	0.00	1.00	0.00
17	Small Isolated *(cost factor on actual and phantom)*	0.00	0.25	0.00
18	Out-of-State Reciprocity	0.00	0.20	0.00
19	Served by Regional Education Association *(K-12 ADM)*	828.00	0.004	8.28
20	**WEIGHTED ADM TOTAL**			**1,015.40**
21	**SCHOOL SIZE WEIGHTING FACTOR**		x	**1.01**
22	**WEIGHTED STUDENT UNITS**			**1,025.55**
23	**PER STUDENT PAYMENT**		x	**$ 3,460.00**
24	**TOTAL STATE AID PAYMENT** *(minimum of 2.5% growth and maximum of 8% per student)*			**$ 3,548,403.00**
25	**HIGH VALUATION OFFSET**			**0**

RECOMMENDED BUDGET SUMMARY AND OPTIONAL FUNDING PRIORITIES

PER STUDENT FUNDING INCREASES

MAIN FUNDING FORMULA AT $3,420 YEAR 1 and $3,779 YEAR 2 *Includes:* Cost to continue equity payment at $4,000,000; Cost to continue kindergarten at $12,000,000; New at risk factor at $10,000,000	$ 93,300,000	
PRE-K FACTOR IN 2ND YEAR OF .20 7,000 eligible 4 year-olds x 70% participation x $3,600/student x .20 factor for 2 half-days per week; Year 2 start-up	3,500,000	
ONE EXTRA DAY 1/180 x $7,200 x 92,000 ADM (Year 2)	3,680,000	
TUTORS AT 1 PER 400 ADM IN GRADES K-3 (YEAR 2) 70 FTE x $54,000 = $3,780,000	3,780,000	
CAREER ADVISORS: 1 COUNSELOR PER 300 ADM GRADES 7-12 50 FTE x $54,000 = $2,700,000 (Year 2)	2,700,000	
REIMBURSEMENT FOR REQUIRED ASSESSMENTS	1,000,000	
REGIONAL EDUCATION ASSOCIATIONS (BASE ADM)	2,600,000	
		$ 110,560,000

GRANT PROGRAM INCREASES

MENTORING PROGRAM	2,300,000	
INSTRUCTIONAL COACHING PILOT PROJECT	500,000	
REA BASE GRANTS	400,000	
INCREASE IN TRANSPORTATION PAYMENTS	5,000,000	
		$ 8,200,000
TOTAL INCREASE K-12 FUNDING		**$ 118,760,000**

OPTIONAL FUNDING PRIORITIES

POWERSCHOOL, WAN, LDS, AND CDE STAFFING AND SUPPORT	$ 3,966,000
EACH ADDITIONAL CALENDAR DAY FULLY FUNDED	$ 3,680,000

NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION
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Excellence in North Dakota public education through local school board governance

Senate Education Committee
HB1400
March 9, 2009

Chairman Freborg and members of the Senate Education Committee, I am Jon Martinson with the North Dakota School Boards Association.

NDSBA supports the general concepts identified in HB1400 and we believe it essential that state dollars continue to be used to fully fund the foundation aid formula.

Thank you.

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(6) HB 1400
26 Jan 09

Testimony on HB 1400

By

Janet Placek Welk

Good morning, Madam Chair and Members of the House Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to provide testimony in support of HB 1400.

Tiger Woods, Michael Jordan, the New England Patriots, the Detroit Tigers, the Alabama Reading First initiate, Venus and Serena Williams, Montgomery County (Md.) Public Schools and many more all have something in common. Coaches and in some cases many coaches.

Instructional Coach definition: An instructional coach focus is to "align instruction with curriculum to meet the needs of all students." An instructional coach works with numerous teachers to make certain that they implement effective, research-based instructional strategies. On major responsibility of an instructional coach is to aid teachers in differentiating instruction and selecting the best learning strategies.

Today's public schools, like corporations, want to improve their

bottom line, student achievement. In a review of the literature by the *National Staff Development Council*, emerging from recent studies of coaching in South Carolina, Boston, and District 2 in New York is strong evidence that coaching contributes to improved teaching and student learning. Yet coaching for teachers is not a stand alone intervention. It is grounded in schools and/or districts that have rigorous curriculum, regular formative assessment, other forms of professional development, school improvement planning and monitoring, and professional development for principals.

Mentor definition: The focus of a mentor is to "increase instructional skills of the novice teacher and support school wide induction activities." The mentoring process is a one-on-one relationship that is built on trust. Areas of focus for beginning teachers in which they may need assistance: classroom management and organization, instruction, students, parents, school context, and professionalism.

Mentoring—intended to provide newcomers guidance, problem solving resources, modeling, support, and feedback—offers beginning teachers and those new to a district a professional lifeline. Mentors may also help by co-planning lessons, or co-teaching

lessons, problem solving instructional, curricular, or student related dilemmas, modeling strategies, reflecting on practice, observing and giving feedback. Teacher quality is the factor that most affects student learning. Mentoring is a means of helping new teachers make that difference.

The Education Standards and Practices Board will administer the mentoring program, if funded, which is part of the Governor's Commission recommendations and more fully described in HB 1480 with appropriations provided in HB 1013. The Board has developed an initial timeline, budget, and implementation guideline to be able to hire the coordinator and meet with the advisory committee beginning August 2009.

Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or jwelk@nd.gov.

Testimony on HB 1400

Senate Education Committee
March 9, 2009

By

Janet Placek Welk

Good morning, Mister Chairman and Members of the Senate Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to provide testimony in support of HB 1400.

HB 1400 provides authority for a mentorship grant program to be administered by the Education Standards and Practices Board. As you are aware, ESPB through the Governor's Teacher Quality Grant, administered a mentoring program from 2002-2006.

Key components of the program will be the advisory committee to help provide input from the field, revision and edits of the existing mentor training model and materials, contacting existing mentors that have been trained, developing a Request for Proposal (RFP) to fund the projects, and hiring the mentoring coordinator. I've attached the

revised proposal including timeline and budget that was submitted to the Governor's Commission.

NDEA and ESPB have provided the following definitions for instructional coaches and mentoring.

Instructional Coach definition: An instructional coach focus is to "align instruction with curriculum to meet the needs of all students." An instructional coach works with numerous teachers to make certain that they implement effective, research-based instructional strategies. On major responsibility of an instructional coach is to aid teachers in differentiating instruction and selecting the best learning strategies.

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Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or jwelk@nd.gov.

One-Year Mentoring Proposal

HB 1013

Timeline:

2009 Year One:	May	ESPB -Advertise for coordinator
		ESPB -Contact advisory committee
	August	Hire coordinator
		Implement advisory committee
	September	Review and revise training
	October	Develop RFP
		Develop revised training model
	November	Solicit proposals
	December	Review proposals
	December	Negotiate proposal funding
		Identify projects to be funded
	January	Train new mentors as needed
	January	Begin mentoring process
	Jan-June	Technical Assistance
	March	One-day training
	June	Evaluate programs, provide reimbursement

Budget:

2009 Year One:	Coordinator	$100,000	Salary, benefits, office supplies, and travel
	Mentors	$187,500	Training ($150/dayX250mentorsX5 days)
		$250,000	Stipends ($1,000X250mentors) ½ year
	Proteges	62,500	Stipends ($250X250mentees) ½ year
	Evaluator	$ 25,000	Contracted
	Conference	$ 40,000	Speakers, travel, stipends, contracts
	Supplies	$154,000	Project costs for travel, supplies, etc.
	Total	$819,000.00	
2010 Year Two:	Coordinator	$104,000	Salary, benefits, office supplies, and travel (4% increase)
	Mentors	$112,500	Training/update for experienced mentors ($150/dayX250mentorsX3 days)
		$600,000	Stipends ($2,000X 300mentors)
	Proteges	$150,000	Stipends ($500X300 proteges)
	Evaluator	$ 25,000	Contracted
	Conference	$ 40,000	Speakers, travel, stipends, contracts
	Supplies	$440,000	Project costs for travel, supplies, etc.
	Total	$1,471,500	

One year program for biennium with implementation beginning second semester of first year. $2,290,500.00

(#2) HB 1400
26 Jan 09
1 → 2

Testimony on HB1400

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Madame Chair Kelsch and members of the House Education Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am here to testify in support the philosophical foundation of the Commission on Education Improvement's report upon which **HB 1400** has been based.

For the past several legislative sessions it has been the position of the North Dakota Council of Educational Leaders that both equity and the adequacy of school funding in North Dakota needs to be significantly improved. During the 60th Legislative Assembly of 2007 legislators effectively addressed funding equity for North Dakota's public schools with the adoption and implementation of **SB2200**. This bill placed all program funds into one formula and used a base Average Daily Membership to determine foundation aid payments, and has provided equity in the funding of K-12 educations.

For the past two years the Commission, as directed by **SB2200,** has diligently and thoughtfully turned its attention to addressing the educational strategies which are needed significantly improve the academic performance of our state's students. In addition, the Commission was charged with determining an appropriate funding level which would be needed to adequately fund PreK-12 education for North Dakota's students to attain this level of academic performance. It is the belief of the NDCEL that **HB1400** does just that and therefore supports **HB1400** which continues to provide equity in per pupil payments as well as addresses the adequate funding of the recommendations put forth in this bill.

The NDCEL supports the funding of this formula with provisions for increased costs of educating children. There are several components in **HB1400** which are important in providing for those increased costs. First, the appropriation requested to fund this bill along with the passage of property tax relief as proposed in **SB2199** will get the state very close to it's commitment to provide for 70 percent funding of the cost of education as defined by current law. Second, this bill provides for the funding of several sound

educational investments which include funding of: Pre-K education, instructional coaches and mentors for professional development, tutors for struggling students, as well as additional counselors and career advisors. Third, this bill makes the funding of high cost special education students more predictable by changing the current high cost risk pool for special education to an overall education high-cost risk pool set at 4.0 times the state average to educate a child. Finally, the bill provides for addressing rigor for our high school curriculum by establishing a "Merit" diploma which requires three units of math, three units of science, and three units of focused electives in languages, fine arts, or career and technical education, as well as establishes technical and academic honors scholarships for students who go beyond the "Merit Diploma" requirements.

For the past two years the Commission on Improvement of Education has put significant effort in developing its report which is now before you as **HB1400**. The NDCEL commends the Commission's work and encourages that the Commission be directed by the legislature to continue its efforts in the coming biennia. Finally, the NDCEL has spent considerable time and effort working with the Commission in the drafting **HB1400**. In our work with the Commission we have asked the commissioners to consider and, wherever possible, make changes which we believe to improve the recommendations in this bill. It will now be the work of your committee and the legislative body of the 61st Legislative Assembly to ultimately finish the work the Commission through the legislative process. The NDCEL and its membership stand ready to provide you with any need information to help you in that process.

Madame Chair Kelsch and members of the House Education Committee, this concludes my testimony on engrossed **HB1400**. At this time I would be happy to answer any questions that you have in regard to my testimony.

Chairman Freborg, Education Committee Members:

For the record, my name is Warren Larson.

I am not officially representing the North Dakota Council of Educational Leaders. Rather, I stand before you as someone who has been an educational leader of K-12 education for 38 years.

For the past 9 years I have been dedicated to changing the system of funding and providing an equitable and adequate education to the children of North Dakota's K-12 public schools.

This began in 2000 with the initial work on the lawsuit against the State of North Dakota. We moved forward, working toward a potential stay in the litigation. We worked hard, and together, on the Commission on Education Improvement. Finally, there was the dismissal of the lawsuit and consequential work on the new funding formula.

Today, I am struggling as to whether or not I will support the very bill that I have worked so hard to have before you. In essence, I support ALL of the educational provisions of HB 1400; ALL of these provisions will improve the education of North Dakota's K-12 kids. I utilized many of the concepts in HB 1400 in my own school district and know that they are of a benefit to kids.

If you could pass HB 1400 intact, with the existing funding plan intact, my support would be with you; if not, I may not be able to support the final outcome of the bill.

Last week, a process of change that will impact the funding plan for HB 1400 was presented to the Appropriations Committee, and this leaves me with a grave concern.

The options presented to the Appropriations Committee were not done intentionally to hurt schools, but rather as an attempt to save for the future. While admirable in nature, it does not go without some significant flaws.

My concern with the proposed change in funding is simple:

- **In reality, the proposal will take $63,400,000 of stimulus money and move it to the General Fund.**
- **This does not follow the Federal intent for the money. It was specifically spelled out in the Federal guidelines that these monies are to be used for modernization and renovations of buildings.**
- **The integrity of the Federal intent to provide funding for renovations and upgrades in schools will now remain unmet.**
- **Upgrades are desperately needed for science labs, vocational labs, and family and consumer science labs in the public K-12 schools. Let's not**

forget their aging roofs, nor the electrical and heating systems from the 50's and the 60's that are still in use in many schools today.

- I know that you remember my testimony from the last session regarding my visits to schools around North Dakota. When I made these visits three years ago, many science labs were minimally operational.
- During that same time, I visited with a North Dakota affiliate of a national organization. Two of the young adults in the group stated that they had to have remedial help in college because they did not know how to do science lab work as the science labs in their high schools were not in working order.
- I am sure those labs are still in the same condition today. Our share of the stimulus money was designed to - and could - change that.

The public K-12 schools in North Dakota have struggled financially for many years, doing all they could to meet the direct educational needs of their kids, often being forced to put building needs at the end of the list.

If the proposed changes are passed, this money is slated to go into the general fund and held there until the 2011-13 Legislative Session, whereupon it will be taken out and appropriated for K-12 education.

BUT, the key point to remember is that these monies will then be appropriated to the schools as OPERATIONAL money, not STIMULUS money for building needs. Thus, the schools will still be left with older, deteriorating buildings; and some kids may still have to take remedial classes to learn how to do science labs in college as their school labs were not improved and are still minimally operational.

AND, the burden to upgrade and repair the buildings will remain on the backs of the taxpayers.

THEN, having relied on non-state (i.e., federal) funding for the operation of schools in the 2011-13 legislative term, the real impact will hit Legislators in 2013-15, when the entire bill for funding K-12 education will have to be met with new state monies.

I stand before you today asking that the integrity of the educational provisions and the funding plan of HB 1400 remain in place. Then the true integrity of the stimulus money can be utilized properly in order to tackle some of the major facility needs of our K-12 public schools.

I will answer any questions that you or the committee may have for me.

Testimony on HB1400

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Chairman Freborg and members of the Senate Education Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am here to testify that the NDCEL supports engrossed **HB1400** as it has been passed out of the House with the exception of the decreases in funding for specific categories such as Pre-K and Deferred Maintenance programs.

It is the position of the North Dakota Council of Educational Leaders that both equity and the adequacy of school funding in North Dakota needs to be significantly improved. During the 60th Legislative Assembly of 2007 legislators effectively addressed funding equity for North Dakota's public schools with the adoption and implementation of **SB2200**. This bill placed all program funds into one formula and used a base Average Daily Membership to determine foundation aid payments and has provided equity in the funding of K-12 educations.

For the past two years the Commission, as directed by **SB2200,** has diligently and thoughtfully turned its attention to addressing the educational strategies which are needed to significantly improve the academic performance of our state's students. In addition, the Commission was charged with determining an appropriate funding level needed to adequately fund PreK-12 education for North Dakota's students to attain this level of academic performance. It is the belief of the NDCEL the engrossed version of **HB1400** which is before you now does just that. Therefore we support engrossed **HB1400** which continues to provide equity in per pupil payments as well as addresses the adequate funding of the recommendations put forth in this bill.

The NDCEL supports the funding this formula with provisions for increased costs of educating children. There are several components in engrossed **HB1400** which are important in providing for those increased costs. First, the nearly $117,500 million appropriation requested in the original version of the bill along with the passage of property tax relief as proposed in **SB2199** will get the state very close to its commitment to provide for 70 percent of the cost of K-12 education as defined by current law. Second, this bill provides for the funding of several sound educational investments which include: funding of Pre-K education grants, instructional coaches and mentors for professional development, tutors for struggling students, as well as additional

counselors and career advisors. Third, this bill makes the funding of high cost special education students more predictable by changing the current high cost risk pool for special education to an overall education high-cost risk pool set at 4.0 times the state average to educate a child. Finally, the bill provides for addressing rigor for our high school graduates by establishing a "Merit" diploma of 22 credits for graduation. This diploma requires three units of math, three units of science, and three units of focused electives in languages, fine arts, or career and technical education, as well as establishes technical and academic honors scholarships for students who go beyond the "Merit Diploma" requirements.

For the past two years the Commission on Improvement of Education has put significant effort in developing its report which is now before you as engrossed **HB1400**. The NDCEL commends the Commission's work and encourages that the Commission be directed by the legislature to continue its efforts in the coming biennia. The NDCEL has spent considerable time and effort working with the Commission in the drafting **HB1400**. In our work with the Commission we have asked the commissioners to consider and, wherever possible, make changes which we believe have improved the recommendations in this bill. It will now be the work of your committee and the legislative body of the 61st Legislative Assembly to ultimately finish the work the Commission through the legislative process. The NDCEL and its membership stand ready to provide you with any need information to help you in that process.

Finally, while the Governor's recommendations for addressing the use of American Recovery and Reinvestment Act (ARRA) stabilization funds are not yet before you in engrossed **HB1400**, it is almost certain that the use of these funds will be a major part of committee discussion in the coming weeks. We as an association, like you as legislators, have not yet had enough time to determine the impact of the Governor's recommendations for distribution of ARRA stabilization funds will have on engrossed **HB1400** and therefore respectfully ask that we be allowed to comment on those recommendations, should they come up, in committee discussion.

Chairman Freborg and members of the Senate Education Committee, this concludes my testimony on engrossed **HB1400**. At this time I would be happy to answer any questions that you have in regard to my testimony.

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Testimony on HB1400

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Chairman Holmberg and members of the Senate Appropriations Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am here to testify on the fiscal impact the use of the American Reinvestment and Recovery Act (ARRA) stabilization funds to supplant state funding of the formula for engrossed **HB1400.** Further, I want the committee to know that the NDCEL has significant concerns with the current discussion regarding the use ARRA stimulus funds for education as proposed by the Governor's office and at this time cannot be in its support.

First, the use of $64.4 million ARRA in stabilization funds to provide "transitional funding" for the 2011-13 biennium would create havoc with the current funding formula which the Commission on Education Improvement has worked so carefully to create. The current formula provides equity and, if funded as originally planned with the introduction of **HB1400**, begins to address adequacy and academic rigor. If the current appropriated funds for the formula were supplanted with ARRA stabilization funds we would be using one formula process for 2009-11 partly based on the state Title 1 distribution formula then return to the current proposed formula for the 2011-13. As one who has worked closely with the current funding formula, I can neither imagine how complicated getting all the school districts back into the current funding formula for the 2011-13 beinnium would be nor do I wish to even guess as to the ramifications this proposal would have on the formula for the 2013-15 biennium.

Second, we believe the intent of the (ARRA) stabilization funds for public education is that it cannot be used for ongoing operational costs of school districts unless a state has shortfall in its funding formula for FY08 or FY09. It is clear that North Dakota does not meet this qualifying condition. This was confirmed during the Joint Appropriations Committee meeting held on Tuesday, March 17 when Dr. Gronberg, ND Department of Public Instruction assistant director, testified that the Governor's proposal clearly changes the funding formula by using one time Federal funds to in his opinion "supplant "state dollars for the 2009-11 funding formula as proposed by the Governor. In his testimony Dr. Gronberg was very clear in pointing out that:

- ARRA Funding for Existing Elementary and Secondary Programs ($65,792,477 in supplemental payments to Title I programs) "*does not create new requirements or obligations related to distribution of these funds, however these programs will require unique transparent applications, accounting and reporting processes. . .* and that . . . *All of these funds will be expanded according to an approved plan and quarterly reports are required by the ARRA.*"

- ARRA Funding for State Fiscal Stabilization Fund (ND 81.8% of the $151 million = ND total $85,644,337) is designated to prevent reductions in critical education and other services. Since ND does not have a shortfall in funding for K-12FY08 or FY09 level the State Fiscal Stabilization Funding (SFSF) any remaining amount of ARRA funds must be used for sub-grants to local education agencies under the existing Title I-A formula. These grants are limited to ESEA, IDEA, Perkins, Adult/Family literacy, or for modernization, renovation, and repair of public school facilities. Districts have the flexibility to use Funds SFSF grants in the above areas and all uses or activities proposed with SFSF funds are subject to an approved application, transparent accounting and reporting processes.

- That "*schools, the Executive Branch and the State Legislature must be very mindful of the EDGAR regulations regarding "Supplement not Supplant" and the "Maintenance of Effort" requirements"* and that while "*careful postponements of state aid might be possible because of the targeted purposes of the ARRA funds . . . the state aid formula distribution funds are for all pupils and state-wide purposes and the ARRA funds are targeted to only eligible schools and eligible students.*"

The NDCEL agrees with the interpretations of the NDDPI and believes the Governor's proposal not only supplants federal stimulus funding for education but also does not use the funds as they were intended which is to:

- Spend funds quickly to save and create jobs;
- Improve student achievement through school improvement and reform;
- Ensure transparency, reporting and accountability;
- Invest one-time ARRA funds thoughtfully to minimize the "funding cliff." These funds should be invested in ways that do not result in unsustainable continuing commitments after the funding expires.

It is our belief that the ARRA stabilization funds should be used as intended which is

". . .to stimulate the economy in the short term and invest in education and other essential public services to ensure the long-term economic health of our nation."

Office of the President of the United States – March 6th, 2009

For this reason we believe the ARRA stabilization funds would best serve our State's schools by allowing these funds to be used as intended: for one time purchases of needed instructional materials, equipment, and school improvement activities under EASE, IDEA and Perkins and for modernization, renovation, and repair of school facilities. Finally, we believe that the state should honor to its' commitment to add an additional $160 million to the state funding formula for the 2008-11 biennium. Doing this allows school districts to use the ARRA stabilization funds for their intended purpose.

Chairman Holmberg and members of the Senate Appropriations Committee, this concludes my testimony on engrossed **HB1400**. At this time I would be happy to answer any questions that you have in regard to my testimony.

(3) HB 1400
26 Jan 09

Testimony for House Education Committee
NDEA President Dakota Draper
January 26, 2009

Representative Kelsch, members of the House Education Committee, for the record my name is Dakota Draper and I am the President of the North Dakota Education Association. I am here today on behalf of our 8,000 members to support HB 1400.

The NDEA was privileged to participate on the Governor's Commission for Education Improvement. Our task was to develop recommendations to the 61st North Dakota Legislative Assembly regarding the adequacy of funding for an education system that will produce high school graduates who are ready for college or ready for work. It is our belief that HB1400 does that.

The Commission was composed of legislators, superintendents and representatives of the School Boards Association and the NDEA. Every participant demonstrated a sincere and passionate dedication to providing an education to North Dakota students that could become a model for every state. We were guided in our deliberations by Picus and Associates, a group that added research and guidance to our decision making.

Through many hours of discussion and debate we arrived at the recommendations that are before you today. We adopted some of the recommendations of the Picus group, modified some of them and did not adopt others into our report. All participants experienced the frustration of feeling that some recommendations went too far, others may not have gone far enough. However, the NDEA takes pride in standing with our other colleagues on the commission in recommending the passage of HB 1400 as the very best that a spirit of compromise can deliver. This is good public policy and we believe that the promises contained in this legislation are within every stakeholder's ability to fulfill.

Although we believe that the bill is good from beginning to end, I would like to highlight a few areas that we believe are especially important in improving education in North Dakota. Upon a question from a commission member, Alan Odden, the Picus representative, stated that the three most important areas to address in improving education are professional development, coaching/mentoring, and tutoring. This bill addresses all three areas. It is common knowledge that the key to improved student achievement is a highly qualified teacher. Education research is consistent in citing two key factors in quality teaching: professional development and the coaching/mentoring function.

In this bill there is additional time for professional development as well as more flexibility in how that professional development is delivered. We support the recommendations in Section 8 calling for a professional development advisory committee that will monitor district professional development plans and compile the best practices in this area.

The commission's recommendations regarding mentoring and coaching are found in HB 1480, but we support those measures whole-heartedly. The "student performance strategist" found in Section 6 of this bill are the tutors that were so highly recommended by our consulting group and they may also function as coaches for other teachers.

Our members believe in an education that is challenging for students and one that rewards outstanding achievement. We feel that provisions of Sections 11 and 12 which provide for scholarships for both technical and academic achievement will inspire students to set loftier goals for themselves. The increased graduation requirements for math and science provide added rigor.

The NDEA also is very supportive of the proposal to fund pre-K education. Once again, the research is consistent that this is a key to improving learning, as well as a great return on the investment of state resources in terms of reducing the need for future remedial education, as well as increasing the number of productive citizens in the future.

There are many other positive features of this legislation that others either have commented on, or will comment on later before the committee.

Madame Chair, members of the committee, the NDEA urges you to support this bill and move it forward.

Senator Freborg, members of the Senate Education Committee, for the record my name is Dakota Draper and I am the President of the North Dakota Education Association. I am here today on behalf of our 8,000 members to support HB 1400.

The NDEA was privileged to participate on the Governor's Commission for Education Improvement. We want to especially thank Governor Hoeven, Lt. Governor Dalrymple, Rep. RaeAnn Kelsch, Rep. Monson, Sen. Flakoll, Sen. O'Connell, and Superintendent Sanstead for their leadership and vision to make significant strides in adequately funding K-12 education in this great state.

As you have heard, our task was to develop recommendations to the 61st North Dakota Legislative Assembly regarding the adequacy of funding for an education system that will produce high school graduates who are ready for college or ready for work. It is our belief that HB1400 does that. The Commission was composed of legislators, superintendents and representatives of the School Boards Association, the North Dakota Council of Educational Leaders and the NDEA. Every participant demonstrated a sincere and passionate dedication to providing an education to North Dakota Students that could become a model for every state. We were guided in our deliberations by Picus and Associates, a group that added research and direction to our decision making.

Through many hours of discussion and debate we arrived at the recommendations that are before you today. We adopted some of the recommendations of the Picus group, modified some of them and did not adopt others into our report. All participants experienced the frustration of feeling that some recommendations went too far, others may not have gone far enough. However, the NDEA takes pride in standing with our other colleagues on the commission in recommending the passage of HB 1400 as the very best that a spirit of compromise can deliver. This is good public policy and we believe that the promises contained in this legislation are within every stakeholder's ability to fulfill.

Although we believe that the bill is good from beginning to end, I would like to highlight a few areas that we believe are especially important in improving education in North Dakota. Upon a question from a commission member, Alan Odden, the Picus representative, stated that the three most important areas to address in improving education are professional development, coaching/mentoring and tutoring. This bill addresses all three areas. It is common knowledge that the key to improved student achievement is a highly qualified teacher. Education research is consistent in citing two key factors in quality teaching: professional development and the coaching/mentoring function.

In this bill there is additional time for professional development as well as more flexibility in how that professional development is delivered. We support the recommendations in Section 8 calling for a professional development advisory committee that will monitor district professional development plans and compile the best practices in this area.

The commission's recommendations regarding mentoring and coaching are also found in this bill, and we support those measures whole-heartedly. The "student performance strategist" found in Section 6 of this bill are the tutors that were so highly recommended by our consulting group and they may also function as coaches for other teachers.

Our members believe in an education that is challenging for students and one that rewards outstanding achievement. We feel that provisions of Sections 11 and 12 which provide for scholarships for both technical and academic achievement will inspire students to set loftier goals for themselves. The increased graduation requirements for math and science provide added rigor.

The NDEA also is very supportive of the proposal to fund the pilot program for pre-K education. Once again, the research is consistent that this is a key to improving learning, as well as a great return on the investment of state resources in terms of reducing the need for future remedial education, as well as increasing the number of productive citizens in the future.

There are many other positive features of this legislation that others either have commented on, or will comment on later before the committee.

Mr. Chairman, members of the committee, the NDEA urges you to support this bill and move it forward.

March 23, 2009
Josh Askvig, NDEA
Testimony supporting HB1400
Senate Appropriations

Senator Holmberg, members of the Senate Appropriations Committee, for the record my name is Josh Askvig from the North Dakota Education Association. I am here today on behalf of our 8,000 members to support HB 1400.

The NDEA was privileged to participate on the Governor's Commission for Education Improvement. We want to especially thank Governor Hoeven, Lt. Governor Dalrymple, Rep. RaeAnn Kelsch, Rep. Monson, Sen. Flakoll, Sen. O'Connell, and Superintendent Sanstead for their leadership and vision to make significant strides in adequately funding K-12 education in this great state.

As you have heard, the task of the Commission was to develop recommendations to the 61st North Dakota Legislative Assembly regarding the adequacy of funding for an education system that will produce high school graduates who are ready for college or ready for work. While we believe that the current bill does take positive steps forward, it is our belief that it is missing some positive components that were included in the original bill.

As you may know, we were guided in our deliberations by Picus and Associates, a group that added research and direction to our decision making. Through many hours of discussion and debate we arrived at the recommendations that were put forward. In that process, we adopted some of the recommendations of the Picus group, modified some of them and did not adopt others into our report. All participants experienced the frustration of feeling that some recommendations went too far, others may not have gone far enough. However, the NDEA takes pride in standing with our other colleagues on the commission in recommending the passage of HB1400 as the very best that a spirit of compromise can deliver. The Commission recommendations were good public policy and we believe that the promises contained in the original draft of the legislation are within every stakeholder's ability to fulfill.

The commission's concept regarding mentoring and coaching are still found in this bill. We support those efforts. The "student performance strategist" found in Section 8 of this bill are the tutors that were so highly recommended by our consulting group and they may also function as coaches for other teachers.

Our members believe in an education that is challenging for students and one that rewards outstanding achievement. We feel that provisions of Sections 15 and 16 which provide for scholarships for both technical and academic achievement will inspire students to set loftier goals for themselves. The increased graduation requirements for math and science provide added rigor.

The NDEA also is very supportive of the original proposal to fund pre-K education. Unfortunately, this proposal was removed from this draft of the bill. The NDEA would ask that you amend pre-K education back into the bill. As you can see from the attached one-page handout, research is consistent that this is a key to improving learning, as well as a great return on the investment of state resources in terms of reducing the need for future remedial education, as well as increasing the number of productive citizens in the future.

Further, the Senate Education Committee added an extra day for professional development. We certainly support the recommendations regarding professional development, especially the advisory committee that will monitor district professional development plans and compile the best practices in this area. However, we have a concern that it does not appear that the Education Committee funded this extra day. NDEA has a long standing policy of being paid for work performed. Because professional development is a vital component to delivering high quality education, we ask that you ensure that any days the state requires be fully funded.

Again, Mr. Chairman, and members of the committee, the bill before you is good and we would certainly urge you to support it. However, we would ask that you first make it a great bill by restoring the pre-K program and paying for the additional professional development day and then give this bill a Do Pass Recommendation. I'd be happy to answer any questions.

Why Investing in Pre-K Makes Common Sense!

"Research has shown that investment in early childhood development programs brings a real (that is, inflation adjusted) public return of 12 percent and a real total return, public and private, of 16 percent. *We are unaware of any other economic development effort that has such a public return, and yet early childhood development is rarely viewed in economic development terms."---Rob Grunewald, Regional Economic Analyst, and Art Rolnick, Senior Vice President and Director of Research, Federal Reserve Bank of Minneapolis, Early Childhood Development = Economic Development (Fedgazette March 2003) (emphasis added)*

Three of the leading studies---Perry Preschool, Abecedarian, and Chicago Parent Centers---have studied outcomes longitudinally over a period of decades.

Those studies of at-risk children have shown that, compared to children who did not receive high-quality early learning experience, the children who did have those experiences:

- Were more likely to graduate from high school.
- Had improved academic achievement throughout their school careers.
- Needed less special education support.
- Were more likely to hold a job, earn higher salaries, stay off welfare, and own a home.
- Were more likely to stay out of prison.

A recent *Education Week* "quality Counts" issue graded North Dakota a "C." One of the state's weakest areas was "Transitions and Alignment," which includes early childhood education.

According to *Education Week*, 29.2 percent of North Dakota 2- and 4-year-olds are enrolled in some kind of pre-k ranking it 49th in the nation. (The average is 46.1 percent).

Where can we save money by investing in Pre-K?

In the 2007-09 appropriation for the Department of Public Instruction, the state appropriated $119.2 million for special education payment and contracts, 17 percent of the total education appropriation.

The state currently spends 5 percent of its General Fund's budget on the Department of Corrections, which in the last budget was authorized to add 34 full-time positions to deal with the increasing prison population.

State pre-K will not immediately reverse the state's trends in special education and incarcerations. But it is an essential part of a long-term strategy to reduce those expenses.

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HB 1400
26 Jan 09

North Dakota School Counselor Association

House Bill 1400 Testimony Summary 1-26-09

Commendations:

1. Reducing the school counselor/student ratio from 1:450 to 1:300 (Section 4)
2. Recognition of school counseling and career counseling as important to student success (Section 1, 4)
3. Recognizing the importance of career assessments as a part of the career development process (Section 17)

Concerns:

1. Sections I & 2: Qualifications of career advisor
   - No defined programmatic requirements, background may not be a good fit
   - Eliminate provisional approval in Section 2: Putting untrained advisors in the school system would be a disservice to students
   - Department not defined
2. Section 4: Counselor Positions Requirement
   - With decrease in school counselor/student ratios, school counselors, rather than career advisors, would now have time to devote 1/3 of time to career development: Delete #2 and #3.
3. Section 5: Career Advisor Duties
   - These duties are already included in every school counselor job description in the state. Concern about career advisor in classrooms with no classroom management, developmental stages of students, or lesson planning courses
4. Section 18 #2:
   - Change to "The student's school counselor shall meet with the student to review the student's assessment results."
5. Fiscal note
   - $2.7 million for counseling services (instead of career advisors)
   - Include in above monies, allotment for DPI position to oversee counseling programs

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(9) HB 1400
26 Jan 09

January 26, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairman Kelsch and House Education Committee

Re: HB 1400

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members who work with and on behalf of children from birth through age 8 years and is in support of HB 1400 to provide early childhood education through the Department of Public Instruction.

A quality pre-school is a unique setting where children are taught by a highly-qualified teacher with an early childhood degree and experience in developmentally appropriate practices. North Dakota currently has a variety of pre-school options however most are limited due to eligibility, availability, and affordability. Larger communities provide a wider variety of pre-school options but are not available in rural communities. 14% of the pre-school population is served through the local public school's pre-school special needs program which serves only children with identified disabilities. The North Dakota Head Start Association reports waiting lists of 574 eligible children for Head Start pre-school services. Eligibility is defined as 100% of the federal poverty guidelines ($21,200 gross income for a family of four) and age of child (3 or 4 years).

Early care and education opportunities are in short supply all across North Dakota. Child care providers are quitting due to opportunities for higher-paid employment in other career fields. The closing of child care centers in Fargo and

Minot were prominent news articles. The recent Hazen Economic Round Table on child care revealed that there are parents who are not able to find adequate care and therefore were not able to maintain employment for local businesses. This is a common problem in many ND communities. An inclusive, state-wide system of early care and education can and should meet the needs of communities, parents, and children.

In order to ensure that North Dakota pre-schools are high quality and inclusive of those already providing high-quality services, it is recommended that pilot programs be established around the state. Pilot programs should represent a diverse geographic and population-based demographic. There should be careful and considerate planning that represents the community – including but not limited to school administrators, private and religious pre-schools, Head Start, public school pre-schools, business leaders, civic leaders, and parents. It is also recommended that periodic reports be submitted to the North Dakota early childhood learning council in Section 30 of HB 1400. Recommended report details are attached to my testimony.

Parents deserve the opportunity to choose the early care and education they believe best meets their children's needs. North Dakota's children deserve the opportunity to be in high quality early care and education settings. North Dakota public policy can and should support a collaborative system of early care and education.

Thank you for your time today. I would be happy to answer any questions that you may have.

HB 1400 Amendment Recommendations

SECTION 21. AMENDMENT. Section 15.1-27-07.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-07.1. Kindergarten Early childhood education program payments - Determination. Notwithstanding the provisions of section 15.1-27-35, the superintendent of public instruction shall determine the payments to which a school district is entitled for providing full-time kindergarten an early childhood education program during the 2008-09 2010-11 school year by using the district's 2008 kindergarten 2010 early childhood education program fall enrollment count. Each school district shall establish an early childhood committee with the responsibility of designing a community-based pilot program that shall consist of the following members:

1. The superintendent of the school or the superintendent's designee;
2. The head start director or the director's designee;
3. An individual representing licensed child care providers or pre-schools
4. An individual representing local community business leaders
5. An individual representing community civic leaders
6. A parent of a child enrolled in an early childhood program

An annual report shall be submitted to the North Dakota early childhood learning council to include, but not limited to, the following information:

1. Total numbers of children served in the early childhood program including average monthly enrollment and percentage of eligible children served.
2. Number of children served with identified disabilities;
3. Summary of child learning outcomes achieved for each readiness curricula area including language and cognitive development, early reading and mathematics, socio-emotional development, physical development and approaches to learning for children enrolled in the early childhood program.
4. Start-up costs for the early childhood program
5. On-going costs for the early childhood program
6. Parent involvement activities including parent-teacher conference attendance and home visit opportunities
7. Transition activities into and out of the early childhood program
8. Successes for the early childhood program
9. Lessons learned for the early childhood program

SECTION 30. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

North Dakota early childhood learning council - Membership - Terms.

1. The North Dakota early childhood learning council consists of:

a. A chairman appointed by the governor;
b. The superintendent of public instruction, or the superintendent's designee;
c. The state health officer, or the officer's designee;
d. The director of the department of human services, or the director's designee;
e. The North Dakota head start - state collaboration administrator, or the administrator's designee;
f. The chairman of the senate education committee, or the chairman's designee;

g. The chairman of the house of representatives education committee, or the chairman's designee;
h. A representative of institutions of higher education in the State;
i. A representative of the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act.
j. A representative of the State agency responsible for health or mental health care; and

The following gubernatorial appointees:
(1) The superintendent of a school district having at least one thousand students in average daily membership;
(2) The superintendent of a school district having fewer than one thousand students in average daily membership;
(3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;
(4) The principal of a school district;
(5) An individual employed as an elementary school teacher;
(6) An individual representing a non-religious-based provider of preschool education;
(7) An individual representing a religious-based provider of preschool education;
(8) An individual representing a center-based licensed child care provider;
(9) An individual representing a home-based licensed child care provider;
(10) An individual representing a reservation-based head start program;
(11) An individual representing a nonreservation-based head start;
(12) A parent representative; and
(13) An elected member of a school board.

2. a. The term of each member enumerated in subdivision g of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.
b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.
c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.
3. The council shall meet at least twice each year, at the call of the chairman.

SECTION 31. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:
Council - Duties. The council shall:
1. Review the delivery of early childhood education in this state;
2. Conduct a periodic statewide needs assessment concerning the quality and availability of high quality prekindergarten services;
3. Review early childhood learning standards and propose revisions to the standards as needed;

4. Identify opportunities for public and private sector collaboration in the delivery of early childhood education in this state including Head Start, child care and other early childhood education programs;
5. Develop a comprehensive plan governing the delivery of early childhood education in this state;
6. Provide a biennial report regarding its activities to the governor and the legislative Council;
7. Develop a unified data collection system for state funded prekindergarten programs throughout the state; and

SECTION 32. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:
Council members - Reimbursement for expenses. Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

SECTION 33. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:
15.1-37-01. Early childhood education program - Approval. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. In selecting early childhood program pilots, the Superintendent shall consider the level of participation and support from community stakeholders. The superintendent shall select early childhood education program pilots that meet the following criteria:
1. Taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;
2. Follow an evidence based developmentally appropriate curriculum;
3. Have established written and signed agreements with local Head Start and other early childhood education programs to coordinate delivery of early childhood education services; and
3. Are in compliance with all municipal and state health, fire, and safety requirements.

SECTION 34. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:
Early childhood education program - Eligibility for per student payments. To be eligible for funding under subdivision j of subsection 1 of section 15.1-27-03.1, an approved early childhood program must:
1. Use developmentally appropriate child outcomes assessment tools approved by the superintendent of public instruction for the purpose of improving instruction and overall program quality.
2. Limit enrollment in the program to students who have reached the age of four before September first of the year of enrollment and who are not enrolled in an approved kindergarten program;
3. Limit class size to 20 with maximum staff-child ratio of 1:10 or better; and
4. Be operated by or on behalf of a school district.

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March 23, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairman Holmberg and the Senate Appropriations Committee

Re: In support of First Engrossment of Engrossed HB 1400 (90379.0500)

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members who work with and on behalf of children from birth through age 8 years and is in support of HB 1400 with the First Engrossment (90379.0500) to provide early childhood education through the Department of Public Instruction. We strongly urge you to put back into HB 1400 Sections 34 through 40 that refer to early childhood education along with the Fiscal Note of at least $1,500,000.

A quality pre-school is a unique setting where children are taught by a highly-qualified teacher with an early childhood degree and experience in developmentally appropriate practices. North Dakota currently has a variety of pre-school options however most are limited due to eligibility, availability, and affordability. Larger communities provide a wider variety of pre-school options that are not available in rural communities. 14% of ND's pre-school population is served through the local public school's pre-school special needs program which serves only children with identified disabilities. The North Dakota Head Start Association reports waiting lists of 574 eligible children for Head Start pre-school services. Eligibility is defined as 100% of the federal poverty guidelines ($22,050 gross income for a family of four) and age of child (3 or 4 years).

Early care and education opportunities are in short supply all across North Dakota. Child care providers are quitting due to opportunities for higher-paid

employment in other career fields. The closing of child care centers in Fargo and Minot were prominent news articles. The recent Hazen Economic Round Table on child care revealed that there are parents who are not able to find adequate care and therefore were not able to maintain employment for local businesses. This is a common problem in many ND communities. An inclusive, state-wide system of early care and education can and should meet the needs of communities, parents, and children.

In order to ensure that North Dakota pre-schools are high quality and inclusive of those already providing high-quality services, it is recommended that pilot programs be established around the state. Pilot programs should represent a diverse geographic and population-based demographic. There should be careful and considerate planning that represents the community – including but not limited to school administrators, private and religious pre-schools, Head Start, public school pre-schools, business leaders, civic leaders, and parents. It is also recommended that periodic reports be submitted to the North Dakota early childhood learning council in Section 30 of HB 1400. Recommended report details are attached to my testimony.

Parents deserve the opportunity to choose the early care and education they believe best meets their children's needs. North Dakota's children deserve the opportunity to be in high quality early care and education settings. North Dakota public policy can and should support a collaborative system of early care and education.

Thank you for your time today. I would be happy to answer any questions that you may have.

Recommendations for local early childhood advisory council:

A Memorandum of Understanding's intent is to coordinate with the local education agency serving the community involved and with schools in which the children participating in a Pre-Kindergarten program to provide services and define responsibilities of coordinating the program. The memorandum is to be revised periodically and renewed biennially by the parties to such memorandum, in alignment with the beginning of the school year.

1. The Memorandum of Understanding shall include, but not be limited to:
   A. Educational activities, curricular objectives, and instruction
   B. Public information dissemination and access
   C. Selection priorities for eligible children to be served by programs;
   D. Service areas;
   E. Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula, and social and emotional development;
   F. Program technical assistance;
   G. Provision of additional services to meet the needs of working parents;
   H. Communications and parent outreach for smooth transitions to kindergarten;
   I. Provision and use of facilities, transportation, and other program elements; and
   J. Other elements mutually agreed to by parties of the memorandum.

2. An annual report shall be submitted to the North Dakota early childhood learning council to include, but not limited to, the following information:
   A. Total numbers of children served in the early childhood program including average monthly enrollment and percentage of eligible children served.
   B. Number of children served with identified disabilities;
   C. Summary of child learning outcomes achieved for each readiness curricula area including language and cognitive development, early reading and mathematics, socio-emotional development, physical development and approaches to learning for children enrolled in the early childhood program.
   D. Start-up costs for the early childhood program
   E. On-going costs for the early childhood program
   F. Parent involvement activities including parent-teacher conference attendance and home visit opportunities;
   G. Transition activities into and out of the early childhood program;
   H. Successes for the early childhood program
   I. Lessons learned for the early childhood program

3. The request for funding of the Pre-Kindergarten program must include all of the elements outlined in sections one and two above. Letters of support should come from those members outlined in number two and any additional community partners. The application must include a funding proposal to support a braided funding approach and a collaborative service delivery model to ensure services are not duplicated.

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Public Testimony on HB 1400
House Education Committee
1-26-09

Chairperson Kelsch and Members of the House Education Committee:

My name is Roxane Romanick and I live in Bismarck, ND. I appear before you today representing myself. Besides being a parent of a child who has special needs, I also served on the Pre-K Task Force, am a current stakeholder on the Health North Dakota Early Childhood Alliance, and work extensively in the early childhood arena in North Dakota. I'd like to take this opportunity to thank you for your consideration of funding for public funded preschool for our state.

Our family benefited greatly from the early childhood services that are available to young children with disabilities in our state. One of the perks of having a disability is that you have access to some great early childhood services and supports that many families of children without disabilities would also benefit from. I applaud the efforts in this current legislative session of moving this agenda forward.

I am primarily here today to ask you to seriously consider an amendment that would change HB 1400 to include parent representation on the Early Childhood Learning Council in Section 30 (page 27) of the proposed bill. There is an inherent quality in early childhood service delivery of parent partnership. It's highly evident in Birth to 3 service delivery as well as in Head Start. Three of the major national information centers on early childhood: National Association for the Education of Young Children, Division for Early Childhood, and Zero to Three recognize parent partnership in their recommendations for service delivery. What we want to insure is that North Dakota's early childhood programs are in line and supportive to families and children. You cannot accomplish that at a policy development level without the partnership of families.

I am asking you to consider parent representation from each region of our state – eight parents in total. In addition, I am asking that you consider including an assurance that families with children with special health care needs and/or disabilities and families with Native American background have representation among these eight positions.

I understand that this is a bold request, but early childhood is not an area where you want to exclude the voice of our children's first teachers.

Thank you for your time.

Roxane Romanick
830 Longhorn Dr.
Bismarck, ND 58503
701-258-7421
romanick@bis.midco.net

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26 Jan 09

(18)

January 26, 2009

From: Allison Johnson, Director of Mayville State University Child Development Programs (Childcare, Head Start, Early Head Start and Pre-K)

To: Chairman Kelsch

RE: HB 1400, State Funded Pre-K Pilot

Good morning Madam Chairman and Committee Members my name is Allison Johnson; I am the Program Director for Mayville State University Child Development Programs. The Child Development Programs is a collaborative program that serves children enrolled in Head Start, Early Head Start, childcare and pre-k. I am here today to share with you a successful model for providing quality pre-k services to four year old children.

Mayville State University has been providing a "braided funding approach" to provide comprehensive pre- k with three school districts across eastern North Dakota. Successful collaboration with Dakota Prairie School District has been ongoing for five years, Hillsboro School District is in year two and Central Valley began fall of 2008. Providing a high quality collaborative pre-k program involves careful planning, a commitment to quality services and a commitment to working together for the success of children and their families.

Quality services speak to several key areas. The education of the teaching staff is critical. Teachers with a degree in Early Childhood Education understand the changing needs necessary to educate and nurture young children. Research indicates children enrolled in programs that employ degreed staff are more likely to achieve substantial gains.

Using a research based curriculum that incorporates physical, social and emotional, early literacy, mathematics, and problem solving approaches provides skill building opportunities for preschoolers. Research based curriculum aligned with strong standards such as those used in Head Start (Improving School Readiness Act of 2007) and the new ND Early Learning Guidelines outline skill development and knowledge to ensure successful transition to kindergarten. Child outcomes data is more reliable when it is aligned with an appropriate curriculum and environment.

Healthy children are more apt to be successful in learning. Comprehensive Head Start services that provide health, mental health, nutrition and family support strengthen the pre-k environment. Such services include hearing and vision screening, assistance with access to needed health, dental and mental health services. Research tells us that healthy children learn better. Programs that offer comprehensive services allow children and families to become successful together.

A commitment to work together is essential to any collaborative arrangement. Collaboration varies with each district and the resources available within a community. What is important is that we (the Child Development Program and the School District) have agreed to put our resources together and to decide who can best provide each service best. That is where the planning becomes essential to the program's success or failure. An example of such planning is the open discussion on sharing resources. Deciding who provides transportation, who hires the teaching staff, where will the program be located, and who purchases supplies is critical. Providing a quality pre-k involves careful decision making between both programs. This is where a written agreement between partners becomes essential.

Program design around a "braided funding approach" means putting the planning, collaboration and quality services together to provide a pre-k program that can meet a community's needs. Combining a portion of Mayville State University's Federal Head Start funding, childcare and/or preschool fees and "local" school district funding has allowed our collaborative programs to provide comprehensive pre-k services to four- year old children within each district. Head Start Programs have a strong history of providing comprehensive services to four- year old children across the great state of North Dakota. Head Start programs want to use this experience and work as a partner with school districts, child care providers, public and private preschools in serving the four-year-old population.

Providing state funding for a preschool "pilot program" could provide further evidence for collaborative community models. Not only insuring that our public tax dollars are put to good use but that all children have the opportunity to participate regardless of income or the ability to pay for services. If North Dakota is going to spend citizen's money on pre-k, it should ensure that the services provided will have a positive impact on our young children. Pilot programs can inform us about what works in North Dakota.

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January 26, 2009

To: Chairman Kelsch

From: Sharon Hansen, PhD., Director, Community Action Partnership Head Start, Dickinson, ND

Re: HB 1400 Early Childhood Education Progam.

Good morning Chairman Kelsch and House Education Committee members. My name is Sharon Hansen, Director of the Early Childhood Center, which is home to Community Action Head Start and the Dickinson Public Schools Preschool Special Needs Programs.

First, I want to commend the sponsors of HB 1400 for their hard work and dedication to the young students who represent North Dakota's future. The very fact that HB 1400 includes legislation dealing with early childhood education represents our growing awareness that North Dakota's future depends on the resources and attention we provide our young children during those early learning years.

The early years matter because this is the time when young children develop the knowledge base and skills they need to be successful in school and life. Our young children build their brains from the bottom up. Many fundamental aspects of the brain architecture are established well before a child enters school. We know that children are born ready to learn with over 100 billion neurons eager to make connections and wire the brain for action. We know that the human brain develops more rapidly between birth and age five than during any other period of life. In just three short years, a child will have taken those 100 billion neurons and formed 1,000 trillion brain connections. At this young age, their brains will be working 2½ times faster than the brains of their pediatricians or their parents. By the time children reach five years of age, they will have already developed 85% of their intellect, personality, and skills, in other words their *hearts, minds and souls.*

One can compare early brain development with the construction of a sound house. Both depend on a strong foundation to build upon and that construction occurs over time. A strong foundation increases the odds of positive outcomes while a weak foundation increases the probability of later difficulties. If the wiring is faulty in a house, it must be torn out and replaced at a high cost. Once a circuit is wired in the brain, it stabilizes with age making it increasingly more difficult to rewire. It is at high public cost that we attempt to remediate the lack of adequate early brain development at a later age. Special education, remediation, and grade retention are only moderately successful and very costly for children who begin school without the readiness necessary skills. We must develop the policies and programs that build on our young children's innate capabilities.

Today North Dakota preschool children are less likely than other children in our nation to attend early education programs. North Dakota Head Start programs are unable to serve 42% of the children who are eligible for Head Start and living in poverty (North Dakota

Kids Count, 2008). Providing a responsive and responsible state wide early childhood education system will help ensure that the building process for all of our young children begins with a strong foundation.

North Dakota can gain a significant benefit from investing in children when their brains are developing most rapidly. According to Rob Grunewald and Arthur Rolnick, regional analysts from the Federal Reserve Bank of Minneapolis, investments in high-quality early childhood programs have the highest rate of return of any public investment with an 18% annual rate of return. The Committee for Economic Development has concluded that high quality early childhood programs offer benefits that far outweigh program costs by improving the later education, employment, earnings and crime outcomes.

Only high quality early childhood education programs produce those kinds of returns on investment. States that have invested in high quality early childhood education programs for their four-year-olds have seen the scores of their incoming kindergarten students rise significantly in reading, language, and math (Barnett, Jung, Lamy, Wong, & Cook, T., 2007; Xiang & Schweinhart, 2002; New Jersey Department of Education, 2004: Gormley & Phillips, 2005).

Early childhood education works best when it is integrated with the K-12 system, Head Start, child care and other services for young children. Our North Dakota early childhood education system must also be sensitive to the individual needs of each community. A community driven delivery system would maximize parent choice and engage the early childhood community by allowing early childhood educational opportunities to be offered in Head Start and other community based settings that meet quality standards.

I have attached the North Dakota Head Start Association white paper that outlines evidence based quality standards and a diverse delivery system that must be present in a high quality early childhood education program. I have also attached Letters of Support for high quality early childhood programs from Dennis W. Johnson, Chief Executive Officer, TMI Corporation, and Joe Rothschiller, President of Steffes Corporation.

Starting with high-quality pilot programs that work collaboratively with Head Start and other existing early childhood programs would build a strong foundation for high-quality early childhood education in North Dakota. It is more effective and more efficient to get things right the first time than to try to fix them later. Our future tomorrow depends on the early learning experiences we make available to our children today.

At this time, I would be happy to address any questions related to my testimony.
Thank you for your time.

References

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January 23, 2009

TO: Sharon Hansen

RE: HB 1400

As a businessperson, parent and P-16 committee member, I support passage of HB1400. Over the past two years, I have learned early childhood education & development is one of the keys to success in adult life. In addition to better preparing our children for success in school, long-term it provides a higher quality citizen and workforce for ND employers. Competition today is Global. We must do more to move our youth from being "Good" to being "Great".

Statistics show we learn the majority of our skills sets prior to age 5 and there is a significant financial "Return on Investment" to the community when children are better prepared for learning. Passage of HB1400 will have a significant positive impact on our education system, the students, our future workforce and communities.

As an employer, it seems like it will be a long time before we will see a return on this investment (graduation), however, we are here for the long-term, not the short-term. I urge you to pass HB1400 so the citizens of ND can begin to reap its benefits.

Sincerely,

Joe Rothschiller
President & COO

TMI CORPORATION
50 South Third Avenue West
Dickinson, North Dakota 58601

TO: Sharon Hansen **DATE:** January 25, 2009

FROM: Dennis W. Johnson
Chief Executive Officer

RE: HB 1400

I am pleased to learn that you intend to testify in support of HB 1400. I too, as a business person and Dickinson Mayor, support passage of HB 1400. Last session I also supported HB 1320.

I continue to believe early childhood education is sound work force development policy. For long term economic success it is essential that North Dakota workers are able to compete effectively with workers from across the globe. To do so, requires future North Dakota workers to be better educated and have advanced skills beyond the skills of today's worker. I remain convinced that a greater investment in early childhood education will lead to greater economic success for our children, our state, and our nation. Early childhood education is a necessary initial work force development investment.

Furthermore, investment in early childhood education is good social policy. It will lessen the future need for costly investments in special education programs, welfare programs, and in the criminal justice system.

17a

NORTH DAKOTA HEAD START ASSOCIATION

Beginning the Conversation:

Answers to Five Key Questions on Providing High-Quality Early Education in North Dakota

Introduction

Since FY05, states' investments in high-quality, voluntary preschool programs have increased by nearly $2 billion, nationwide.[1] Seven states already provide or are phasing in preschool programs for all children.[2] What is driving this remarkable growth? Policymakers have been moved by the wealth of research demonstrating the critical role children's first five years play in brain development, the superior returns on preschool investments, and the impressive short- and long-term benefits of high-quality preschool for children, families, and communities.[3]

Preschool programs support working families and complement good parenting. They supplement the essential early learning that takes place in the home by providing unique opportunities for social, emotional, and cognitive development. Sadly, North Dakota is one of only eight states that make no state investments in preschool or Head Start. The time has come to give young children in this state the opportunities they need to succeed in school, in life, and in the global marketplace.

Implementing a high-quality pilot preschool program is one highly effective strategy states have employed to join this vital national education effort. A voluntary, high-quality pilot program would allow North Dakota to effectively tap the resources and expertise of Head Start and other high-quality preschool programs, generate essential data on the program's efficacy, and provide accountability to children, families, and taxpayers. With smart policy and strong policymakers behind it, a high-quality preschool program will pay dividends to North Dakota and its children now and into the future.

1. Why Support Preschool in North Dakota?

High-quality preschool has both significant educational benefits and lifelong positive impacts for children. Research has found reduced special education placements, improved test scores, and increased rates of high school graduation during the K-12 years as well as higher lifetime earnings, decreased criminal activities, and reduced dependence on welfare services in adulthood.[4]

According to estimates from one well-respected economic study, because of these benefits, a high-quality preschool program available to all three- and four-year-old children in North Dakota could return up to $10.1 for every $1 invested.[5]

Head Start programs operate throughout North Dakota serving federally designated at-risk populations. Yet, despite the presence of federal early education, waiting lists are a reality statewide. The facts about early education in North Dakota are:

- The state is home to nearly 39,000 children under the age of five.[6]
- Head Start serves nearly 2000 North Dakota three and four year olds.[7] Another 574 income-eligible three and four year olds are on Head Start wait lists.[8]
- North Dakota ranks 49th in the nation in terms of preschool access with only 27 percent of three and four year olds enrolled.[9]

2. What Is High-Quality Preschool?

The impressive benefits of preschool depend upon programs being of high quality.[10] The four most critical elements of quality are:

1. **Teacher qualifications** — Research shows that programs employing teachers with bachelor's degrees are more likely to achieve substantial gains for children.[11] Preschool teachers should have the following:
   - A four-year degree in an early childhood-relevant field,
   - Certification in early education, and
   - Access to continuing education to ensure they stay abreast of the latest research and practice.

2. **Research-based curricula** — Developmental research indicates that three- and four-year-old children learn best in carefully designed environments that tap their natural curiosity and support learning through play and active exploration of their surroundings. Strong standards outline the skills, knowledge, and dispositions children need to ensure a successful transition into kindergarten. High-quality settings and research-based curricula — i.e. those that utilize proven methods for early learning — provide daily opportunities for children to build a variety skills, including:
   - Physical, social and emotional development,
   - Approaches to and enthusiasm for learning,
   - Early literacy, mathematics, and problem solving, and
   - Basic knowledge of families, communities, and the world.

3. **Small class sizes** — no more than 20 children per class, and

4. **Low teacher-child ratios** — one adult for every 10 or fewer children.[12]

To ensure that all these quality elements work effectively with the state's existing early childhood and education systems, state preschool quality standards should align with:

- The state's existing K-12 standards,
- North Dakota Early Learning Guidelines Ages Three through Five
- The National Association for the Education of Young Children's Developmentally Appropriate Practice (DAP), and
- Head Start Child Outcomes and Performance Standards.

High-quality programs must also accommodate children with special needs and be linguistically and culturally appropriate for the children they serve. Teachers should be trained and supported to work with the diverse needs and backgrounds of the children in their classrooms. They must also be trained to recognize learning challenges and have access to the proper professionals for screenings and assessments. Keeping classes small and ratios low helps teachers provide individualized attention, evaluate learning and behavior, and access interventions as needed.

Without high quality, preschool programs cannot produce the returns documented in the research. By insisting on research-based best practices and well-qualified teachers, policymakers can ensure that public dollars are put to their best use.

3. How Can a High-Quality Preschool Program Best Meet the Needs of North Dakota's Families?

While the characteristics of high-quality preschool are consistent nationally, each state must build a program that meets the needs and reflects the values of the population it will serve. No single solution will work for every child, every family, every town, or every state.

Research indicates that high-quality preschool benefits all children, regardless of socio-economic, ethnic, or cultural background.[13] Programs must, however, be culturally and linguistically appropriate, respect the challenges faced by today's families, and be sensitive to parents' concerns. In North Dakota, programs must address the needs of rural communities, working families, the faith community, and American Indian and other minority populations as well as those of existing community providers.

Diverse Delivery

One effective strategy is the use of a diverse delivery system. Diverse delivery allows state-funded preschool to be offered in Head Start and other community-based settings that meet state quality standards. A diverse delivery system maximizes parent choice by providing options, including:

- Public schools,
- Head Start programs,
- Child care centers,
- Home-based providers, and
- Faith-based centers (where state funding does not support religious education), as well as
- The option not to enroll their child in any program.

This system utilizes existing local infrastructure, resources, and expertise and engages the early childhood community, such as North Dakota's nationally recognized Head Start system, which has been providing high-quality preschool services for over 40 years. Diverse delivery systems also require private providers to meet state standards and have been found in some states to raise the quality of services across settings.[14] Of course, respecting families' values and needs means North Dakota preschool should be entirely voluntary.

Parent Involvement

Parent involvement initiatives are another way state preschool can ensure programs reflect the populations they serve. Nationwide, Head Start promotes parental participation as a cornerstone of its service delivery model because when parents become involved early in their children's education, it supports learning and development and can translate into greater engagement throughout the K-12 years.

Key parent involvement initiatives include:

- Open-classroom policies that invite parents to stop by anytime,
- Regular parent-teacher conferences,
- Home visiting, and
- Literacy, self-sufficiency, and parenting classes for adults.

Bringing families into the preschool setting creates instant accountability, fosters communication between families and teachers, supports learning both in preschool and at home, and has been shown to improve outcomes for children through K-12.[15]

Comprehensive Services

Some families need more than just preschool. Providing comprehensive support services through a preschool program means both parents and children are more likely to be aware of those services and to get the help they need. Comprehensive services, when offered in a familiar, trusted environment like a preschool setting can be the difference between success and failure for North Dakota's young families.

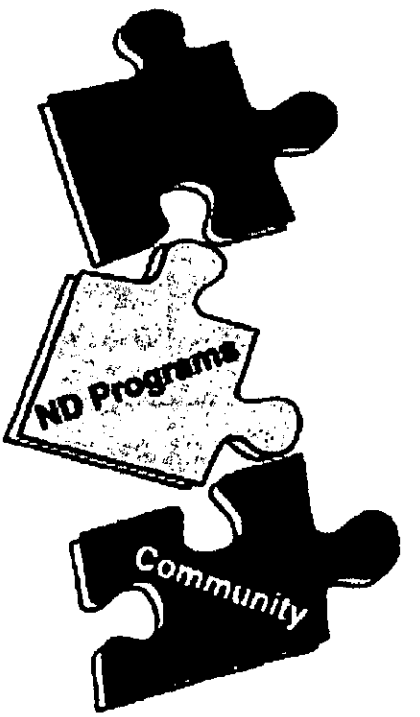
Through collaborative relationships with local Head Start programs already in place in communities statewide, preschool programs can gain access to these essential support services. Head Start understands the needs of local populations and has developed effective strategies for addressing them. Head Start programs in North Dakota already provide a comprehensive array of services, including:

- Child development,
- Health, mental health, and nutrition,
- Safety,
- Family and community partnerships, and
- Support for children with disabilities.

4. How Can We Ensure the Program Works?

Substantial investment of public dollars should not be undertaken without mechanisms to evaluate program effectiveness. North Dakota's preschool pilot should include assessments of child outcomes using approved, research-based, developmentally appropriate assessment tools. Short-term efficacy can be evaluated by a review of test scores and other data from kindergarten through third grade and via anecdotal information from K-12 teachers, parents, and other stakeholders. Additionally, the pilot should be evaluated for effective use of funds, implementation of quality standards, and application of research-based best practices.

Program evaluations should be mandated and conducted by experts from the state university system or other outside institutions and should align with learning standards and curricula. School districts, in collaboration with Head Start and other community providers, should be required to monitor and evaluate the effectiveness of administrative and evaluation systems and to report annually on efforts to improve resource deployment and service delivery.



5. What Are the Next Steps in Providing High-Quality Preschool in North Dakota?

Providing high-quality preschool in North Dakota will require significant state funding. Resources will be needed to support delivery of programs, but the state also must invest in developing capacity, infrastructure, facilities, and a qualified teacher corps. Starting with a high-quality pilot that works collaboratively with Head Start and other existing early childhood programs will build a strong foundation for high-quality preschool in North Dakota.

Program Design

To more-effectively address a broad range of program-design issues — from development of teacher-education programs at state universities to transportation in rural jurisdictions to length of program day — a variety of stakeholders should be engaged early in the process, including:

- Head Start,
- Parents,
- Private early childhood providers,
- School district administrators, and
- K-12 and higher education.

Through collaboration with the Head Start – State Collaboration Office and local Head Start programs, and other experienced, established high-quality, community-based providers, North Dakota can gain access to expertise in early childhood development and education; knowledge and experience in program design; and superior comprehensive family support services.

Funding

North Dakota should allocate funds to local communities and should require development of clearly articulated collaborative agreements with Head Start and other community-based providers to offer high-quality preschool and comprehensive services in diverse settings. North Dakota preschool programs should prioritize access for low-income, special needs, and educationally at-risk children with availability for other children phasing in as more funding becomes available.

To support this system, however, state funding must supplement but not supplant the various federal resources already available to early childhood providers. The state should permit school districts and providers to braid state preschool dollars with federal funding streams, such as:

- Head Start,
- Title I,
- Child care,
- Early Childhood Special Education, and
- Temporary Assistance to Needy Families (TANF).

The ability to braid multiple funding streams is critical to financing needed quality improvements, providing adequate facilities, transportation, and materials, and supporting increased enrollment.

Quality and Standards

To guarantee high quality, the program should follow the DAP guidelines and align with the state early childhood and K-12 standards and Head Start standards listed on page two. Designating a selection of approved, research-based curricula allows provider flexibility while ensuring all programs use research-based best practices.

To ensure that quality is consistent across settings, local programs can employ a diverse delivery system that requires and supports community providers' adherence to state standards. These systems must include clearly articulated terms for collaboration with local Head Start agencies. Additional collaborations with health and family service providers should be required to ensure the availability of comprehensive services to children and families.

Conclusion

North Dakota can no longer afford to lag behind the nation on high-quality, voluntary preschool. To preserve our state's economic competitiveness and protect the future of our youngest citizens, we must take decisive action. Establishing a high-quality preschool pilot is the wise first step in that effort and will build a strong foundation for early education in the state. The time for excuses has passed. Our children deserve the same opportunities as their peers elsewhere in the nation to succeed in school and in life.

Endnotes

1. "Votes Count: Legislative Action on Pre-K Fiscal Year 2008," (Washington, DC: Pre-K Now, 2007).
2. Ibid.
3. See: Lawrence J. Schweinhart, "The High/Scope Perry Preschool Study through Age 40," (Ypsilanti, Michigan: High/Scope Educational Research Foundation, 2004).
4. Albert Wat, "Dollars and Sense: A Review of Economic Analyses of Pre-K," (Washington, DC: Pre-K Now, 2007).
5. Robert Lynch, *Enriching Children, Enriching the Nation: Public Investment in High-Quality Prekindergarten* (Washington, DC: Economic Policy Institute, 2007).
6. U.S. Census Bureau, "North Dakota Age and Sex." http://factfinder.census.gov/.
7. "North Dakota Head Start Program Information Briefs." (North Dakota Head Start Association, 2008).
8. Ibid.
9. "2007 Kids Count Data Book," (Baltimore: Annie E. Casey Foundation, 2007).
10. See: L.N. Masse and W. Steven Barnett, "A Benefit-Cost Analysis of the Abecedarian Early Childhood Intervention," in *Cost-Effectiveness and Educational Policy*, ed. H.M. Levin and P.J. McEwan (Larchmont, NJ: Eye on Education, 2002).
11. See: W. Steven Barnett, "Better Teachers, Better Preschools: Student Achievement Linked to Teacher Qualifications," in *Preschool Policy Matters* (New Brunswick: National Institute for Early Education Research. Rutgers, The State University of New Jersey, 2004).
12. W. Steven Barnett, Hustedt, Jason T., Robin, Kenneth B., and Schulman, Karen L., "The State of Preschool: 2006 State Preschool Yearbook," (New Brunswick: National Institute for Early Education Research, Rutgers, The State University of New Jersey, 2007), 32-33.
13. See: William Gormley, Jr. et al., "The Effects of Universal Pre-K on Cognitive Development," *Developmental Psychology* 41, no. 6 (2005).
14. See: Ellen Frede et al., "The Abbott Preschool Program Longitudinal Effects Study (Apples) Interim Report," (New Brunswick: National Institute for Early Education Research, Rutgers, The State University of New Jersey, 2007).
15. See: Heather Weiss, Margaret Caspe, and M. Elena Lopez, "Family Involvement in Early Childhood Education," Harvard Family Research Project, http://www.gse.harvard.edu/hfrp/content/projects/fine/resources/research/earlychildhood.pdf.

Acknowledgements

This report is written by Jennifer V. Doctors for the North Dakota Head Start Association.

HB 1400
26 Jan 09

(14)

To: RaeAnn Kelsch, Chairman of the House Education Committee

From: Barb Arnold-Tengesdal
Assistant Professor of Education, University of Mary

Date: January 26, 2009

Re: Support of HB 1400

I stand in support of HB 1400, focusing specifically on the early childhood education components of this bill. I am a member of the ND Early Childhood Higher Education Consortium, because of my role in teacher preparation provided at the University of Mary. I will address three particular issues:

- Teacher preparation and the ability to support the additional need for highly qualified teachers for pre-k programs.
- Early Childhood Education curriculum and standards.
- Policy implications – community-based programs, federal initiatives, and state systems.

Teacher competency and workforce development: The North Dakota Higher Education consortium has been working diligently the past two years to create an articulation agreement between all tribal, 2 year and 4 year public and private institutions to ease the transitions between programs to support teacher preparation. Early Childhood Education programs at the collegiate level are growing, in part because of the demand nationally for licensed teachers working in Pre-k, Head Start, and full-day kindergarten programs. The standards utilized by ESPB for early childhood education teacher licensure are congruent with national standards, and set a level of teacher preparation and knowledge that is measured by Praxis I and Praxis II standardized exams along with 8- 10 weeks of full-time student teaching. The teachers being prepared in North Dakota are well versed in implementing a child-center teaching approach, and familiar with research-based curricula that is tied to program standards and child outcomes. The number of ECE majors is growing at our universities. North Dakota has been a great source of the finest teachers for many other states. Unfortunately, we outsource some of our best.

Some ask why do we need licensed teachers with baccalaureate degrees. In North Dakota, the Early Childhood teaching license identifies highly qualified individuals trained to work with children birth to age eight, or up to grade 3. Teachers who are prepared for this type of licensure have taken method courses in science, math, reading, social studies, language arts, observation, and assessment. They are required to take courses in school and community systems, inclusion, and special education. They learn how to scaffold curriculum for individual children that bridges the span between preschool and kindergarten using the *Early Learning Guidelines* or Kindergarten content standards as a guideline. This type of work is different that required for child care programs. Many programs do have licensed teachers working directly with children. It is important that the person working directly with children be licensed, not just a director that oversees a program taught by others less qualified.

Curriculum: Pre-Kindergarten curriculum uses a play-based, developmentally appropriate curriculum approach. It is not pushing "academics" down a four-year-olds throat. Rather, designing a learning plan that is rooted in the developmental needs of a child and largely based in the social-emotional domain. It is based in a deep understanding of child development and how to use guidelines and standards to assess a child's readiness to tackle the next steps to a particular task. The pre-k classroom has structure. It has a routine. It generally is classroom room-based or center-based. The day allows for both individual and group instruction. It is child-centered with a teacher facilitating a play-based approach with learning centers, group-times with show-and-tell and a story time. The curriculum is comprehensive including health components. Physical development such as learning to wash your hands or why brushing your teeth is important along with mental health components of learning to deal with your anger or how to speak up when you feel hurt. It is collaborative with families with respect to diversity and supporting them with parenting resources. Authentic assessment is used to understand where a child is developmentally, and what needs to be supported. This is the link to understanding kindergarten readiness.

Policy: *Community based*...Can it work? Yes. Not all pre-k programs must be public school based. Many models could fit well into a new system of pre-k. Expanding or adding additional Head Start classrooms would work well, along with funding collaborative programs that are already in existence. Meeting the needs of children who are identified "at-risk" because of poverty, abuse or who lack of access to a program because of the rural ness of the location of their home should be targeted first.

Federal initiatives will be flowing through to states. The new administration sees early childhood education as a critical piece to fighting the war on poverty and student academic failure. The economic stimulus package includes money to build child care facilities and expand Head Start and childcare subsidies for parents. There will be state money for pre-k, quality-rating systems for childcare and other quality incentives. There is money for early childhood professional development in the Higher Education Act that was passed last August, and additional dollars for CCDBG to states.

State initiatives and system building is critical to being ready for the federal dollars that will begin to flow in support of early child development programs. You will see a vast amount of legislation that targets particular programs or issues that have become critical because of the lack of systems organization in our state. It is important to begin to identify how best to coordinate these programs in a collaborative and comprehensive manner. I have laid out an alignment diagram to help you see from my perspective how each of these pieces: education, quality, capacity, subsidy and health, must flow forward together- not one more important that another. Not one funded at the expense of another. Early childhood education is critical to our state. North Dakota has experienced an upturn in births since 2002 (Our future, Our state Foundations for Successful development of children Ages 0-5 North Dakota overview 2008, pg. 7). This is a good thing! We are bucking the trends of other Mid-western states. Supporting the pre-k linked along with full-day kindergarten is critical to keeping this trend growing. I urge your support of HB 1400 and the early childhood education components.

Affordability-
Subsidies & Tax Credits

HB 1090 – CCA
SB 2260 -TANF
HB 1243 – Child Individual Income Tax Credit

Education-
Pre-K, Kindergarten, Afterschool programs, Special Education

HB 1400- ECE – Pre-K
HB 1276 – Afterschool programs
SB 2200 – Kindergarten
HB 1075 – SPE multidisciplinary teams
HB 1092 – disability definition
HB 1309 – Ed for military children

Capacity building-

SB 2225- Child care facility grants
SB 2257 Child Care Tax Levy
HB 1364 – restrictions on family child care homes

Office of Child Development/ Early Learning council

HB 1472 – ECS advisory board
HB 1081 – P-20 commission
HB 1400 – Early Learning council

Quality –
Professional development, Rating systems, and regulations

HB 1418 – ECS professional development and Quality Rating & Improvement System
HB 1357 – Low interest loans for teachers
SB 2296 – Loan reduction for EC and child care teachers
SB 2123 – Background checks for Child caregivers
SB 2162 – child care licensing regulations
SB 2084- Student teacher licensure

Health-
medical, mental, dental assistance

SB 2333- Immunizations
SB 2174 – Autism spectrum disorder task force
HB 1012 – Eligibility of SCHIP
HB 1176 – Oral health issues
HB 1231 – Mobil dental care
SB 2362- Child health insurance buy-in
School nursing/CC health consultants

Pre-K: This component of Early Childhood targets a specific population- 4-year-old children. The bill circulating in the legislature is specific to supporting the academic needs of at-risk children. It is different then childcare. It is early intervention tool aimed at meeting children's academic needs with intentional teaching, targeted child assessment and family support, aiming to help children at risk of falling behind early in school. Target population: rural families, children living in poverty, special education and early intervention, abuse and neglect or other at-risk populations. This would flow through DPI. Head Start would be the federal program that meets similar needs.

Childcare facilities grants: This supports building the capacity and quality of childcare programs. The lack of availability of programs is linked to the expense of opening up a program. The building expenses, capital outlay for equipment, construction, and remodeling loans together put a huge burden from the start on a new program that they often cannot overcome. When start-up cost is too high, programs close or staffs take pay cuts as programs try to balance mortgage payments and costs with income from parent fees. An analogy that comes to mind... you cannot run a restaurant with only a microwave to cook with and no hot water. Childcare cannot be quality without the right kind of equipment. This is a one-time bubble expense that will need ongoing support but in smaller increments, once the initial out-lay takes place. This will run through community economic development programs while being structured by the Dept. of Commerce.

Training, Education and Quality Improvement: This targets building and sustaining quality programs that children need and parents are frustrated they cannot find easily. This support the child care workforce with professional training, scholarship, and provides programs the on-going tools they need to become to raise the quality of care and education programs. Whether in a childcare facility or family home facility, all need access to training and education that is affordable. Programs need support to give salary enhancements and do the ongoing quality evaluation that is needed to continue being the best program that meets the needs of children. This part of the EC system works with childcare licensing regulations, Training and professional development, resources for parents and programs- such as Child Care Resource and Referral. DHS/Higher Ed

Family supports: This area supports the diverse needs of parents with economic assistance (cash, housing, food, child care), health care (s-chip, early intervention such as Right Tracks, dental health, Medicaid, school nursing, health consultants in child care etc.) general assistance (parent education, child support, foster care, etc.). The child care assistance which is needed by those families living in poverty, ultimately help child care programs because families are able to pay for the needed service. DHS

I believe an office of Early Childhood Development might be important beginning to organize these four pieces to the ECE table, rather than dividing it out to different departments.

I know each passionate ECE professional speaks from our own point of view, but we will do our best this legislative session to make it easy to understand how it fits together.

Written Testimony
Prepared for the Senate Education Committee
March 9, 2009
By
Allison Dybing-Driessen
Representative of the North Dakota Head Start Association

Chairman Freborg and members of the Senate Education Committee, my name is Allison Dybing-Driessen. I represent the North Dakota Head Start Association. The North Dakota Head Start Association represents over 3000 low income children and families in the state of North Dakota. The North Dakota Head Start Association supports HB 1400 and its emphasis on pre-kindergarten and early childhood education and the development of the North Dakota Early Childhood Education Council. Early childhood education benefits children, families and communities. From improved academic outcomes to the economic savings to schools and states, the benefits of high quality early childhood education are irrefutable.

The North Dakota Head Start Association is requesting the Senate Education Committee revise the language in HB 1400 in regards to the composition of the ND Early Childhood Education Council to reflect the language identified in the federal Head Start Act. The Head Start Act or Public Law 110-134 Head Start Act "Improving Head Start for School Readiness Act of 2007" requires that the Governor of the State shall designate or establish a council to serve as the State Advisory Council on Early Childhood Education and care for children from birth to school entry. The federal act specifically identifies ten individuals required to be part of the State Advisory Council. Language in HB 1400 regarding council membership has identified more members than the Head Start Act but failed to include two representatives identified in the federal act. The federal act identifies a representative from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs. HB 1400 has listed an individual representing a reservation-based Head Start program, but does not

include an individual representing Head Start programs outside the reservation. Tribal and non-tribal program are mandated under the same federal requirements but are as unique as tribal and non-tribal school districts. Head Start is recognized as leaders in the field of early childhood education and is an important partner in creating a statewide strategy to improve the quality and access to programs serving young children.

Representation from the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act was the other entity not included in the state law but identified in the federal law. This entity is also a crucial partner in ensuring that early childhood education systems are reflective of the needs of children with special needs transitioning into pre-kindergarten programs.

Attached for the committee's information is Section 642 B of the Head Start Act which outlines federal requirements of the State Advisory Council. The North Dakota Head Start Association is asking for the support of the Senate Education Committee in revising the language of HB 1400 to ensure that Head Start is represented on the North Dakota Early Childhood Education Council. Head Start is committed to ensuring North Dakota's children have high quality early childhood experiences resulting in improved academic outcomes in public education.

Sincerely,

Allison Dybing-Driessen

North Dakota Head Start Association

Legislative Authority: Head Start Act, as amended.
U.S. Code Citation: 42 USC 9801 et seq.

(b)(1)(A) The Governor of the State shall--

(i) designate or establish a council to serve as the State Advisory Council on Early Childhood Education and Care for children from birth to school entry (in this subchapter referred to as the State Advisory Council'); and

(ii) designate an individual to coordinate activities of the State Advisory Council, as described in subparagraph (D)(i).

(B) The Governor may designate an existing entity in the State to serve as the State Advisory Council, and shall appoint representatives to the State Advisory Council at the Governor's discretion. In designating an existing entity, the Governor shall take steps to ensure that its membership includes, to the extent possible, representatives consistent with subparagraph (C).

(C) Members of the State Advisory Council shall include, to the maximum extent possible--

(i) a representative of the State agency responsible for child care;

(ii) a representative of the State educational agency;

(iii) a representative of local educational agencies;

(iv) a representative of institutions of higher education in the State;

(v) a representative of local providers of early childhood education and development services;

(vi) a representative from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

(vii) the State Director of Head Start Collaboration;

(viii) a representative of the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(ix) a representative of the State agency responsible for health or mental health care; and

(x) representatives of other entities determined to be relevant by the Governor of the State.

(D)(i) The State Advisory Council shall, in addition to any responsibilities assigned to the Council by the Governor of the State--

(I) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to

school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the State;

(II) identify opportunities for, and barriers to, collaboration and coordination among Federally-funded and State-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among State agencies responsible for administering such programs;

(III) develop recommendations for increasing the overall participation of children in existing Federal, State, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(IV) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

(V) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(VI) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the State toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or pre kindergarten program; and

(VII) make recommendations for improvements in State early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate.

(ii) The State Advisory Council shall hold public hearings and provide an opportunity for public comment on the activities described in clause (i). The State Advisory Council shall submit a statewide strategic report addressing the activities described in clause (i) to the State Director of Head Start Collaboration and the Governor of the State.

(iii) After submission of a statewide strategic report under clause (ii), the State Advisory Council shall meet periodically to review any implementation of the recommendations in such report and any changes in State and local needs.

(2)(A) The Secretary shall use the portion reserved under section 640(a)(4)(A)(iii) to award, on a competitive basis, one-time startup grants of not less than $500,000 to eligible States to enable such States to pay for the Federal share of developing and implementing a plan pursuant to the responsibilities included under paragraph (1)(D)(i). A State that receives funds under this paragraph shall use such funds to facilitate the development or enhancement of high-quality systems of early childhood education and care designed to improve school preparedness through one or more of the following activities--

(i) promoting school preparedness of children from birth through school entry, including activities to encourage families and caregivers to engage in highly interactive, developmentally and age-appropriate activities to improve children's early social, emotional, and cognitive development, support the transition of young children to school, and foster parental and family involvement in the early education of young children;

(ii) supporting professional development, recruitment, and retention initiatives for early childhood educators;

(iii) enhancing existing early childhood education and development programs and services (in existence on the date on which the grant involved is awarded), including quality improvement activities authorized under the Child Care and Development Block Grant Act of 1990; and

(iv) carrying out other activities consistent with the State's plan and application, pursuant to subparagraph (B).

(B) To be eligible to receive a grant under this paragraph, a State shall prepare and submit to the Secretary a plan and application, for a 3-year period, at such time, in such manner, and containing such information as the Secretary shall require, including--

(i) the statewide strategic report described in paragraph (1)(D)(ii), including a description of the State Advisory Council's responsibilities under paragraph (1)(D)(i);

(ii) a description, for each fiscal year, of how the State will make effective use of funds available under this paragraph, with funds described in subparagraph (C), to create an early childhood education and care system, by developing or enhancing programs and activities consistent with the statewide strategic report described in paragraph (1)(D)(i);

(iii) a description of the State early learning standards and the State's goals for increasing the number of children entering kindergarten ready to learn;

(iv) information identifying the agency or joint interagency office, and individual, designated to carry out the activities under this paragraph, which may be the individual designated under paragraph (1)(A)(ii); and

(v) a description of how the State plans to sustain activities under this paragraph beyond the grant period.

(C) The Federal share of the cost of activities proposed to be conducted under subparagraph (A) shall be 30 percent, and the State shall provide the non-Federal share.

(D) Funds made available under this paragraph shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities related to early childhood education and care in the State.

(E) Not later than 18 months after the date a State receives a grant under this paragraph, the State shall submit an interim report to the Secretary. A State that receives a grant under this

paragraph shall submit a final report to the Secretary at the end of the grant period. Each report shall include--

(i) a description of the activities and services carried out under the grant, including the outcomes of such activities and services in meeting the needs described in the periodic needs assessment and statewide strategic report;

(ii) information about how the State used such funds to meet the goals of this subsection through activities to develop or enhance high-quality systems of early childhood education and care, increase effectiveness of delivery systems and use of funds, and enhance existing programs and services;

(iii) information regarding the remaining needs described in the periodic statewide needs assessment and statewide strategic report that have not yet been addressed by the State; and

(iv) any other information that the Secretary may require.

(F) Nothing in this subsection shall be construed to provide the State Advisory Council with authority to modify, supersede, or negate the requirements of this subchapter.

HB 1400
26 Jan 09

(18)

NORTH DAKOTA
CHAMBER of COMMERCE

Testimony of Jeb Oehlke
North Dakota Chamber of Commerce
House Bill 1400
January 26, 2009

Madam Chairperson and committee members, my name is Jeb Oehlke and I am here today representing the ND Chamber of Commerce, the principle business advocacy group in North Dakota. Our organization is an economic and geographical cross section of North Dakota's private sector and also includes state associations, local chambers of commerce, development organizations, convention and visitors bureaus and public sector organizations. For purposes of this hearing we are also representing thirteen local chambers with total membership over 5,760 members. A list of those associations is attached. As a group we stand in support of HB 1400.

North Dakota's business community supports HB 1400 because a healthy business community and growing economy depend on a strong education system. We believe in consistent, high standards for all students to adequately prepare them for their futures, whether they decide to pursue higher learning at a two-year or four-year institution or go directly into the workforce.

One of the items in this bill, of which the business community is particularly supportive, is the creation of career advisors. There are not enough career counselors currently in our schools and their time is divided between helping students map out their futures and providing emotional counseling. I have heard from business leaders of situations where the counselors in their area schools are disconnected from the local business community and may not know of, or understand

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the opportunities available to students right in their own backyard. Allowing individuals from the business community to become career advisors will help students realize the many and varied careers they can pursue which may not have otherwise been brought to their attention.

North Dakota's students are capable of high achievement, and HB 1400 will encourage them to accomplish new and loftier goals. The business community urges this committee to give this bill a DO PASS recommendation. I am happy to answer any questions at this time.

NORTH DAKOTA
CHAMBER of COMMERCE

Testimony of Jeb Oehlke
North Dakota Chamber of Commerce
House Bill 1400
March 9, 2009

Mr. Chairman and committee members my name is Jeb Oehlke. I represent the ND Chamber of Commerce, the voice of North Dakota business. Our organization is an economic and geographical cross section of North Dakota's private sector and also includes state associations, local chambers of commerce, development organizations, convention and visitors bureaus and public sector organizations. For purposes of this hearing we are also representing sixteen local chambers with total membership over 7,200 members. A list of those chambers is attached. As a group we stand in support of HB 1400, specifically the sections of the bill which will increase student access to career advising, and those which revamp the diploma requirements.

North Dakota's business community supports HB 1400 because a healthy business community and growing economy depend on a strong education system. We believe in consistent, high standards for all students to adequately prepare them for their futures, whether they decide to pursue higher learning at a two-year or four-year institution or go directly into the workforce.

The career advisor portion of this bill is one of which the business community is particularly supportive. There are not enough career counselors currently in our schools and their time is divided between helping students map out their futures and providing emotional counseling. I have heard from business leaders of situations where the counselors in their area schools are disconnected from the local business community and may not know of, or understand the opportunities available to students right in their own backyard. Allowing individuals from the business community to become career advisors will help students realize the many and varied careers they can pursue which may not have otherwise been brought to their attention.

North Dakota's students are capable of high achievement, and the restructured diploma requirements in this bill will encourage them to accomplish new and loftier goals. Along with encouraging higher performance these new requirements will get the students continuing in their education better prepared for their college courses which will result in the need for less remedial instruction at the college level allowing students to complete their degrees more quickly.

The business community urges this committee to give this bill a favorable committee recommendation on HB 1400. I am happy to answer any questions at this time.

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The following chambers are members of a coalition that support our 2009 Legislative Policy Statements:

Beulah Chamber of Commerce – 130 members

Bismarck-Mandan Chamber of Commerce – 1,200 members

Chamber of Commerce of Fargo Moorhead – 1,800 members

Devils Lake Area Chamber of Commerce

Grafton Area Chamber of Commerce

Greater Bottineau Area Chamber of Commerce – 155 members

Harvey Area Chamber of Commerce

Hettinger Area Chamber of Commerce – 145 members

Jamestown Area Chamber of Commerce – 360 members

Kenmare Association of Commerce

Minot Chamber of Commerce – 700 members

North Dakota Chamber of Commerce – 1100 members

Oakes Area Chamber of Commerce – 170 members

Total Businesses Represented = 5,760 members

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Testimony in Support of HB 1400
March 23, 2009

Senate Appropriations Committee
Senator Ray Holmberg, Chair
Harvest Room
By Rick Buresh

Mr. Chairman and Members of the Committee:

My name is Rick Buresh and I am superintendent of the Fargo Public Schools. I came to Bismarck last evening expecting to speak to the committee this afternoon to express concerns about using ARRA Stabilization funds in lieu of General Fund dollars to provide basic foundation aid to education. Since arriving I have learned of new developments on this idea and find myself much more comfortable with the direction under consideration – one of a much more limited use of Stabilization funds. It is our belief that the more limited use of Stabilization funds (Career advisors and Students At Risk) for foundation aid will preserve more ARRA funds for purposes intended under the act. We believe that these funds will be more appropriately used for one-time expenditures with no expectation of continued obligation.

Thank you for moving forward with the Governor's proposed General Fund level of school foundation aide.

HB 1400
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Chairperson Kelsch and members of the House Education Committee. My name is Joe Sykora, Business Manager at West Fargo Public Schools. My phone number is 701-356-2002 and e-mail is jsykora@west-fargo.k12.nd.us. I am testifying in support of HB 1400 but would like to point out some areas of concern.

Merit Scholarships – Section 11

Scholarship monies are worthy investments to assist students financially in attending post-secondary education in North Dakota. However, will the criteria be the same across the state? Please note that algebra II courses vary across the state. How will the state ensure that the standards and benchmarks are similar in every other algebra II in every school by every teacher? How will the state ensure that a "B" or "C' has the same meaning across the state? A "B" in one district might mean an 83 to 86 where another district indicates it is an 86-89 or something else.

Summative Assessment – Section 18

What are the consequences to a grade 11 student who does not take an assessment? Clarity is needed to determine if school districts are going to be reimbursed for the cost of assessments and its administration. Similar questions pertain to interim assessments in Section 16.

English Language Learners – Section 19

See attached comments by West Fargo's English Language Learner Coordinator Kerri Whipple on page 4.

Per Student Payment Rates (Section 20) with Minimum and Maximum Increases (Section 22)

Of particular concern is the maximum increase percentage calculation. When establishing the baseline funding amount per student, school districts did not receive the stated per pupil amount of $3,250 in 2007-2008 and $3,325 in 2008-2009. In a report obtained from DPI, for 2007-2008 there were 70 districts that exceeded the transition maximum of seven percent. Due to the cap, school districts are out $7,127,180. West Fargo's share of that $7,127,180 is $1,448,382 or 20.3 percent. The local taxpayer picked up the burden of the funding shortfall and the students of West Fargo were shortchanged educational opportunities. A type of home-harmless provision was included to ensure a minimum increase during the transition from the previous funding formula to the current formula. The hold-harmless provision benefited all school districts. However, by including a maximum provision harmed 70 school districts. A colleague of mine indicated that "your district received more money under the new formula than the previous one." Yes, all districts received more money, however, my point was that under the previous formula all school districts received the same per pupil amount and that is not the case in the current formula. The pupil payment amount in 2006-2007 was $2,879 and West Fargo's baseline funding per student amount is set at $2,817.65 for the current formula. The chart illustrates the funding shortfall.

School Year	State Per Pupil Amount	Maximum Percent	West Fargo's Per Pupil Amount	Lost State Aid Per Student	Dollar Value	
2007-2008	$3,250	7.0%	$3,014.89	$235.11	$1,448,382	
2008-2009	$3,325	12.0%	$3,155.77	$169.23	$1,100,000	estimated
2009-2010	$3,420 *	20.0%	$3,381.18	$38.82		* proposed
2010-2011	$3,779 *	34.0%	$3,775.65	$3.35		* proposed

Analogy

As a member of the House Education Finance Committee, you will soon be asked to vote on this bill. Each member is entitled to one vote. When it comes to per pupil funding for students, some districts get less that $3,250, some get $3,250 and others get more than $3,250. The desire for the 70 districts above the transition maximum is to at least receive the per student payment rate "to which each school district is entitled."

Solutions

- An emergency clause to cover the funding shortfall of $7,127,180 for 2007-2008 along with additional monies for 2008-2009. This solution would ensure that all school districts receive the entitled per student amount of $3,250 for 2007-2008 and $3,325 for 2008-2009.

- Include language in Section 55 to indicate that if any monies that was appropriated for state aid payments . . . remains after . . . statutory payment obligations, etc., create a new section "a", indicating that districts which are "capped" at the transition maximum, would first receive any monies that were appropriated but not distributed. The assumption is the appropriation is sufficient to meet funding obligations.

- Increase the appropriation "above and beyond" what is needed to meet funding requirements in HB 1400. The additional monies would be used to cover the funding shortfall of 2007-2008 and 2008-2009 due to the transition maximums.

- Other

Other Considerations

I ask that the committee consider additional language in HB 1400 that allows school districts to choose to receive state payments based on fall enrollment count or last years average daily membership. This provision was removed during the transition to the current formula. From 2007-2008 to 2008-2009, West Fargo's enrollment grew by 450 students. State funding for new students won't be received until 2009-2010. Students must be served in the present and dollars are needed for additional staff, professional development, textbooks, curricular materials, supplies and equipment, etc. Of the approximately 185 school districts in North Dakota, 150 districts enroll 450 or fewer students. This provision would allow districts to capture state dollars during the current school year to meet the educational needs of new students because of enrollment growth. Students are here today and need to be educated today; funding should be available in the present as well.

From Kerri Whipple, ELL Coordinator for West Fargo Public Schools

Section 19 Part 1 i:

The weighted factor in this section refers to LEP students who are deemed "least proficient." This term is not used or defined in state or federal language.

Section 19 Part 1 j:

Some consideration should be given to students who have been in US schools for less than 3 years. New arrivals require more time in ELL programs to acclimate to the school norms, the building and the other students. Some new arrivals have limited or severely interrupted schooling. These factors require schools to hire teachers to work with small groups of students for much of the school day until students begin to understand the language, culture and academic standards.

Section 19 Part 1 n:

The weighted factor in this section refers to LEP students who are deemed "not proficient." This term is not used or defined in state or federal language. Additionally, all Limited English students are not proficient in English, purely by definition. Is it the intent of the bill that all ELL students in a district have this weighted factor, or only the students that do not qualify in parts 1i and 1o?

Section 19 Part 1 o:

The weighted factor in this section refers to LEP students who are deemed "somewhat proficient." This term is not used or defined in state or federal language.

The state required ELL assessment that determines English language proficiency (ACCESS) assigns each student a level from 1.0-6.0. It would be best to use these well defined and widely accepted levels for funding purposes rather than the ambiguous language used in the current draft of HB 1400.

2008-2009 State Aid Formula Payments

Ending Fund Balance | 7% limit | 3.5% guarantee |

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
01-013	Hettinger 13	368	1,195,415	-	-	-	(13,282)	-	-	1,182,133
02-002	Valley City 2	1,168	3,794,570	-	-	-	-	520,445	-	4,315,015
02-007	Barnes County North 7	382	1,240,363	-	(926,669)	-	-	-	603,748	917,441
02-046	Litchville-Marion 46	217	705,348	-	(244,380)	-	-	-	107,089	568,056
03-005	Minnewaukan 5	274	889,818	-	-	-	-	279,323	-	1,169,141
03-006	Leeds 6	216	702,183	-	-	-	(46,861)	-	-	655,301
03-009	Maddock 9	248	806,585	-	-	-	(11,121)	-	-	795,464
03-016	Oberon 16	52	168,220	-	-	-	(14,487)	-	-	153,733
03-029	Warwick 29	242	785,980	-	-	(1,031)	-	183,001	-	967,950
03-030	Ft Totten 30	225	732,713	-	-	-	-	123,815	46,603	903,130
04-001	Billings Co 1	60	193,635	(193,635)	-	-	-	-	2,801	2,801
05-001	Bottineau 1	731	2,375,653	-	-	(56,823)	-	-	44,287	2,363,116
05-017	Westhope 17	165	535,275	-	(37,249)	-	(417)	-	-	497,610
05-054	Newburg-United 54	111	361,010	-	(361,010)	-	-	-	189,452	189,452
06-001	Bowman County 1	504	1,638,228	-	-	-	(55,070)	-	-	1,583,158
06-033	Scranton 33	206	670,280	-	(82,636)	(39,144)	-	-	53,838	602,138
07-014	Bowbells 14	90	293,443	-	(184,799)	-	-	-	123,636	232,280
07-027	Powers Lake 27	151	491,238	-	-	-	(17,805)	-	-	473,432
07-036	Burke Central 36	124	401,733	-	(221,251)	-	-	-	82,229	262,711
08-001	Bismarck 1	11,148	36,230,188	-	-	-	-	468,405	-	36,698,593
08-025	Naughton 25	4	13,000	-	(13,000)	-	-	-	40,010	40,010
08-028	Wing 28	120	391,333	-	-	(19,483)	(13,332)	-	-	358,517
08-029	Baldwin 29	23	75,855	-	(46,480)	-	-	-	33,642	63,017
08-033	Menoken 33	16	51,838	-	(51,838)	-	-	-	22,026	22,026
08-035	Sterling 35	44	143,195	-	(143,195)	-	-	-	85,646	85,646
08-039	Apple Creek 39	66	213,883	-	(104,985)	-	-	-	87,460	196,357
08-045	Manning 45	6	19,500	-	(15,425)	-	-	-	19,803	23,878
09-001	Fargo 1	11,216	36,451,383	-	-	-	(1,793,072)	-	-	34,658,311
09-002	Kindred 2	736	2,392,845	-	-	-	(160,321)	-	-	2,232,524
09-004	Maple Valley 4	337	1,094,275	-	(205,799)	-	-	-	9,604	898,080
09-006	West Fargo 6	6,160	20,021,430	-	-	-	(1,448,381)	-	-	18,573,049
09-007	Mapleton 7	82	267,670	-	(199,615)	-	-	-	208,288	276,343
09-017	Central Cass 17	880	2,859,220	-	-	-	(100,293)	-	-	2,758,927
09-080	Page 80	123	398,125	-	(137,163)	-	-	-	86,472	347,435

2008-2009 State Aid Formula Payments

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
09-097	Northern Cass	537	1,744,080	-	-	-	(198,616)	-	-	1,545,464
10-019	Munich 19	148	482,430	-	(170,557)	(7,099)	-	-	72,723	377,496
10-023	Langdon Area 23	489	1,588,795	-	(81,055)	-	(141,347)	-	-	1,366,393
11-040	Ellendale 40	397	1,290,478	-	-	-	(17,193)	-	-	1,273,284
11-041	Oakes 41	540	1,755,163	-	-	-	(21,753)	-	-	1,733,409
12-001	Divide County 1	316	1,027,715	-	(318,482)	(66,351)	-	-	307,476	950,358
13-016	Killdeer 16	416	1,353,430	-	-	-	(100,683)	-	-	1,252,747
13-019	Halliday 19	33	106,730	-	(106,730)	-	-	-	86,943	86,943
13-037	Twin Buttes 37	67	218,805	-	-	(3,722)	-	31,658	-	244,841
14-002	New Rockford-Sheyenne 2	479	1,556,458	-	-	-	-	-	39,630	1,596,087
15-006	Hazelton-Moffit-Braddock 6	181	589,550	-	-	-	(74,436)	-	-	515,114
15-010	Bakker 10	5	16,868	(5,197)	(11,671)	-	-	-	223	223
15-015	Strasburg 15	217	705,575	-	-	(24,421)	-	-	-	681,154
15-038	Linton 38	372	1,208,610	-	-	-	-	-	-	1,208,610
16-049	Carrington 49	652	2,119,228	-	-	-	(73,456)	-	-	2,045,772
17-003	Beach 3	357	1,158,950	-	(73,579)	(18,980)	-	-	88,205	1,154,596
17-006	Lone Tree 6	43	139,230	-	(80,184)	-	-	-	67,328	126,375
18-001	Grand Forks 1	7,704	25,039,398	-	-	-	(43,992)	-	-	24,995,405
18-044	Larimore 44	517	1,681,713	-	-	-	-	92,742	-	1,774,454
18-061	Thompson 61	450	1,463,605	-	-	-	(41,859)	144,586	-	1,566,331
18-125	Manvel 125	201	652,763	-	-	-	-	-	2,015	654,777
18-127	Emerado 127	90	291,038	-	(22,862)	-	-	-	41,818	309,993
18-128	Midway 128	284	923,000	-	-	-	(32,223)	-	-	890,777
18-129	Northwood 129	354	1,151,768	-	-	-	(20,144)	-	-	1,131,624
18-140	Grand Forks AFB 140	-	-	-	-	-	-	-	-	-
19-018	Roosevelt 18	171	556,530	-	-	-	-	-	22,826	579,356
19-049	Elgin-New Leipzig 49	222	723,060	-	-	-	(44,710)	-	-	678,350
20-007	Midkota 7	160	520,585	-	(289,908)	-	-	-	202,453	433,130
20-018	Griggs County Central 18	360	1,170,910	-	-	-	(36,385)	-	-	1,134,525
21-001	Mott-Regent 1	302	981,988	-	-	(41,927)	(57,903)	-	-	882,157
21-009	New England 9	215	699,400	-	(83,792)	-	(3,125)	-	-	612,483
22-011	Pettibone-Tuttle 11	-	-	-	-	-	-	-	-	-
22-014	Robinson 14	25	79,983	-	(79,983)	-	-	-	55,016	55,016
22-020	Tuttle-Pettibone 20	-	-	-	-	-	-	-	-	-

2008-2009 State Aid Formula Payments

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
22-026	Steele-Dawson 26	344	1,118,260	-	-	-	(79,331)	-	-	1,038,929
22-028	Tappen 28	107	346,288	-	-	-	-	-	31,838	378,126
23-003	Edgeley 3	287	931,223	-	-	-	(56,607)	-	-	874,616
23-007	Kulm 7	156	508,300	-	(321,123)	-	-	-	170,335	357,512
23-008	LaMoure 8	366	1,190,540	-	-	(12,077)	(14,320)	-	-	1,164,143
24-002	Napoleon 2	300	976,008	-	-	-	(39,485)	-	-	936,523
24-056	Gackle-Streeter 56	149	484,673	-	(259,440)	(40,690)	-	-	119,581	304,124
25-001	Velva 1	435	1,413,913	-	-	(8,122)	(37,236)	-	-	1,368,554
25-014	Anamoose 14	103	334,230	-	-	-	-	-	318	334,548
25-057	Drake 57	162	525,980	-	(9,354)	-	(51,559)	-	-	465,067
25-060	TGU 60	394	1,278,808	-	(163,111)	-	-	-	-	1,115,797
26-004	Zeeland 4	97	315,185	-	(159,502)	-	-	-	54,206	209,889
26-009	Ashley 9	185	601,120	-	-	-	(16,286)	-	-	584,834
26-019	Wishek 19	289	938,243	-	-	(11,286)	(9,837)	-	-	917,119
27-001	McKenzie Co 1	569	1,847,658	-	-	(52,077)	(44,803)	-	-	1,750,778
27-002	Alexander 2	86	280,768	-	(280,768)	-	-	-	137,147	137,147
27-014	Yellowstone 14	68	219,895	(132,672)	(87,223)	-	-	-	332,057	332,057
27-018	Earl 18	8	25,513	(25,513)	-	-	-	-	939	939
27-032	Horse Creek 32	8	25,968	-	(25,968)	-	-	-	334	334
27-036	Mandaree 36	223	725,985	-	-	(5,770)	-	7,000	168,875	896,089
28-001	Montefiore 1	284	922,935	-	-	-	(7,679)	-	-	915,256
28-004	Washburn 4	361	1,174,355	-	-	(54,826)	-	-	-	1,119,529
28-008	Underwood 8	269	875,615	-	-	-	(49,175)	-	-	826,440
28-050	Max 50	193	627,608	-	-	-	-	-	-	627,608
28-051	Garrison 51	387	1,257,425	-	-	-	(102,826)	-	-	1,154,599
28-072	Turtle Lake-Mercer 72	217	704,893	-	(35,381)	-	(14,120)	-	-	655,392
28-085	White Shield 85	150	488,183	-	-	-	-	86,583	-	574,766
29-003	Hazen 3	687	2,231,743	-	-	-	-	496,725	-	2,728,468
29-027	Beulah 27	814	2,646,638	-	-	-	-	-	-	2,646,638
30-001	Mandan 1	3,343	10,863,808	-	-	-	-	1,651,534	-	12,515,342
30-004	Little Heart 4	21	67,210	-	(50,061)	-	-	-	43,892	61,041
30-007	New Salem 7	376	1,223,333	-	-	(3,525)	-	4,554	-	1,224,361
30-008	Sims 8	25	82,355	-	(82,355)	-	-	-	45,875	45,875
30-013	Hebron 13	217	703,658	-	-	-	(59,807)	-	-	643,851

2008-2009 State Aid Formula Payments

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
30-017	Sweet Briar 17	11	34,710	-	(18,241)	(8,167)	-	-	20,216	28,518
30-039	Flasher 39	279	906,328	-	-	-	-	91,531	-	997,858
30-048	Glen Ullin 48	222	720,558	(22,793)	-	-	-	-	52,799	750,564
31-001	New Town 1	733	2,383,680	-	-	-	-	585,899	-	2,969,579
31-002	Stanley 2	391	1,271,335	-	-	-	(31,975)	-	-	1,239,360
31-003	Parshall 3	334	1,084,980	-	-	-	(84,595)	1,611	-	1,001,996
32-001	Dakota Prairie 1	345	1,120,925	-	(180,402)	-	-	-	-	940,523
32-066	Lakota 66	274	889,850	-	-	-	-	-	-	889,850
33-001	Center-Stanton 1	314	1,020,403	-	-	-	-	-	65,824	1,086,226
34-006	Cavalier 6	494	1,606,638	-	-	-	-	-	-	1,606,638
34-012	Valley 12	185	599,755	-	-	-	-	-	-	599,755
34-019	Drayton 19	176	572,455	-	(203,584)	-	-	-	63,448	432,320
34-043	St Thomas 43	133	433,485	-	(24,952)	-	-	-	15,562	424,095
34-100	North Border 100	617	2,004,763	-	-	-	(204,591)	-	-	1,800,172
35-001	Wolford 1	73	238,810	-	(46,000)	-	-	-	15,219	208,028
35-005	Rugby 5	569	1,850,095	-	-	-	(110,175)	-	-	1,739,920
36-001	Devils Lake 1	1,862	6,052,378	-	-	-	-	2,246,868	-	8,299,245
36-002	Edmore 2	105	340,405	(49,752)	(290,653)	-	-	-	168,789	168,789
36-044	Starkweather 44	127	413,758	-	(35,904)	-	-	-	3,688	381,542
37-006	Ft Ransom 6	27	86,710	-	(48,323)	-	-	-	33,489	71,876
37-019	Lisbon 19	685	2,226,575	-	-	-	-	372,542	-	2,599,117
37-024	Enderlin Area 24	386	1,253,558	-	-	-	(33,850)	-	-	1,219,708
38-001	Mohall-Lansford-Sherwood 1	426	1,383,525	-	(278,359)	(27,127)	-	-	113,244	1,191,283
38-026	Glenburn 26	330	1,070,973	-	-	(8,727)	-	-	73,380	1,135,626
39-008	Hankinson 8	361	1,174,680	-	-	-	(96,154)	-	-	1,078,526
39-018	Fairmount 18	159	516,523	-	(71,360)	-	(39,782)	-	-	405,381
39-028	Lidgerwood 28	248	804,440	-	-	-	-	-	-	804,440
39-037	Wahpeton 37	1,388	4,510,838	-	-	-	-	363,420	-	4,874,257
39-042	Wyndmere 42	302	982,378	-	-	-	(91,482)	-	-	890,895
39-044	Richland 44	366	1,188,948	-	-	-	(8,001)	-	-	1,180,947
40-001	Dunseith 1	602	1,955,785	-	-	(7,906)	-	424,378	-	2,372,257
40-003	St John 3	360	1,171,040	-	-	(4,602)	-	227,497	-	1,393,936
40-004	Mt Pleasant 4	318	1,032,265	-	-	-	-	22,474	31,362	1,086,102
40-007	Belcourt 7	1,695	5,507,255	-	-	(55,377)	-	1,208,151	-	6,660,029

2008-2009 State Aid Formula Payments

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
40-029	Rolette 29	225	730,763	-	-	-	-	-	-	730,763
41-002	Milnor 2	353	1,147,965	-	-	-	(4,013)	230,451	-	1,374,404
41-003	N Sargent 3	292	949,553	-	-	-	-	155,040	-	1,104,592
41-006	Sargent Central 6	334	1,084,558	-	-	-	(139,811)	-	-	944,746
42-016	Goodrich 16	51	166,583	-	(78,543)	-	-	-	54,568	142,588
42-019	McClusky 19	129	419,705	-	-	-	(42,096)	-	-	377,609
43-003	Solen 3	218	707,720	-	-	-	-	125,683	-	833,403
43-004	Ft Yates 4	144	467,448	-	-	-	-	89,335	459,532	1,016,314
43-008	Selfridge 8	63	205,010	-	-	-	(124,452)	-	-	80,558
44-012	Marmarth 12	17	54,860	(54,860)	-	-	-	-	929	929
44-032	Central Elementary 32	6	19,858	(19,858)	-	-	-	-	232	232
45-001	Dickinson 1	2,740	8,904,610	-	-	-	-	1,674,802	-	10,579,412
45-009	South Heart 9	306	994,338	-	-	(12,382)	-	-	17,751	999,707
45-013	Belfield 13	274	889,135	-	-	-	-	281,437	-	1,170,572
45-034	Richardton-Taylor 34	311	1,011,400	-	-	-	-	-	27,158	1,038,558
46-010	Hope 10	159	516,213	-	(8,646)	-	(57,059)	-	-	452,508
46-019	Finley-Sharon 19	227	738,855	-	-	-	(75,313)	-	-	663,542
47-001	Jamestown 1	2,374	7,714,363	-	-	-	-	1,188,684	-	8,903,046
47-003	Medina 3	201	651,983	-	-	-	(9,282)	-	-	642,700
47-010	Pingree-Buchanan	207	673,205	-	-	-	(26,414)	-	-	646,791
47-014	Montpelier 14	142	462,573	-	-	-	(19,885)	-	-	442,708
47-019	Kensal 19	84	271,960	-	(156,960)	-	-	-	47,248	162,248
48-002	Bisbee-Egeland 2	75	242,125	-	(242,125)	-	-	-	177,814	177,814
48-008	Southern 8	261	849,615	-	-	-	-	-	-	849,615
48-028	North Central 28	101	327,925	-	(237,957)	-	-	-	161,446	251,415
49-003	Central Valley 3	334	1,084,428	-	-	-	(111,746)	-	-	972,681
49-007	Hatton 7	289	939,738	-	-	-	(21,929)	11,155	-	928,964
49-009	Hillsboro 9	444	1,442,740	-	-	-	(104,348)	-	-	1,338,392
49-014	May-Port CG 14	598	1,941,908	-	-	-	(107,534)	-	-	1,834,374
50-003	Grafton 3	956	3,107,325	-	-	-	-	967,527	-	4,074,852
50-005	Fordville-Lankin 5	121	394,225	-	(33,176)	-	-	-	20,354	381,404
50-020	Minto 20	284	921,570	-	-	-	-	-	-	921,570
50-051	Nash 51	19	63,148	-	(63,148)	-	-	-	53,104	53,104
50-078	Park River 78	447	1,452,815	-	-	-	-	257,587	-	1,710,402

2008-2009 State Aid Formula Payments

CoDist	Entity Name	WSU	Gross Formula	EFB Offset	High Valuation Offset	Min Levy Offset	Transition Maximum	Equity Payment	Transition Minimum	State Formula Payment
50-106	Edinburg 106	153	497,705	-	-	-	-	6,978	11,080	515,763
50-128	Adams 128	84	274,073	-	(13,327)	-	-	-	23,694	284,439
51-001	Minot 1	6,867	22,319,310	-	-	-	-	-	-	22,319,310
51-004	Nedrose 4	242	785,298	-	-	-	(51,143)	-	-	734,154
51-007	United 7	612	1,988,058	-	-	-	-	409,174	-	2,397,232
51-010	Bell 10	190	616,233	-	-	-	(19,088)	-	-	597,144
51-016	Sawyer 16	168	544,863	-	-	-	-	-	-	544,863
51-019	Eureka 19	13	43,355	-	(43,355)	-	-	-	19,192	19,192
51-028	Kenmare 28	344	1,119,398	-	-	-	(120,265)	-	-	999,133
51-041	Surrey 41	384	1,248,488	-	-	-	-	267,948	-	1,516,435
51-070	S Prairie 70	172	558,033	(929)	(47,993)	-	-	-	9,239	519,350
51-160	Minot AFB 160	-	-	-	-	-	-	-	-	-
51-161	Lewis and Clark 161	450	1,463,215	-	-	-	(118,169)	-	-	1,345,046
52-025	Fessenden-Bowdon 25	246	799,370	-	(327,050)	(120,213)	-	-	222,263	574,371
52-035	Pleasant Valley 3	20	63,505	-	(63,505)	-	-	-	37,421	37,421
52-038	Harvey 38	460	1,495,455	-	-	-	(27,309)	-	-	1,468,146
53-001	Williston 1	2,274	7,389,070	-	-	-	-	2,754,359	-	10,143,429
53-002	Nesson 2	214	696,248	-	-	-	(50,068)	-	-	646,180
53-008	Eight Mile 8	279	906,945	-	-	-	-	238,459	-	1,145,404
53-008	New 8	231	749,938	-	(380,425)	-	-	-	149,460	518,973
53-015	Tioga 15	297	964,730	-	-	-	(31,337)	-	-	933,393
53-099	Grenora 99	101	329,063	-	(329,063)	-	-	-	235,996	235,996
	Statewide	105,862	344,376,078	(505,207)	(8,991,828)	(711,854)	(7,127,180)	18,293,361	6,324,189	351,657,558

HB 1400
26 Jan 09

Testimony in Support of HB 1400
January 26, 2009

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Representative Rae Ann Kelsch, Chair
House Education Committee
Pioneer Room, Judicial Wing
State Capitol, Bismarck

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Madam Chair and Members of the Committee:

My name is Paul Johnson and I am superintendent of the Bismarck School District. Today I am here to express my support and the support of the Bismarck School Board of HB 1400, the bill that places into law the work of the Governor's Commission on Education Improvement over the last biennium.

As the Governor and the Lt. Governor know, I am an enthusiastic proponent of the Commission. Before the Commission, the education community had difficulty reaching consensus on any education initiative, much less the funding formula. The Commission brings together the correct mix of educators, association leaders, public officials, and legislators. The Commission has taken the right approach to its work by consulting experts when necessary, defining the scope of its work each biennium, providing the opportunity for plenty of input from the field, balancing the realities of small and large school districts, and conducting its work in a transparent fashion. My personal opinion is that we have made more progress as a state in solving education issues in the last two bienniums than we did in the twenty previous years.

As a large school district superintendent, I particularly like the fact that the Commission has been cautious with mandates. They have chosen to limit mandates to those that are easily reported by school districts and have

provided funding. I attended most of the Commission meetings and I observed the struggle sometimes between making recommendations that encourage rather than require educational improvements.

I would like to acknowledge a few of the Commission's recommendations that are most important to us as a large school district. This legislation provides for more counseling in school districts, but also allows a new category of student assistance- the career advisor. I think it is important to have trained professionals that specifically work on career plans with students. I am intrigued by the term "student performance strategist" to describe teachers who either tutor students or coach teachers. It is becoming evident that these kinds of professional positions are critical as we attempt to improve the academic achievement of struggling students. The Commission acknowledges formative and summative assessment and the importance of such assessment, but also the cost of such assessments. Using the information from these assessments will now be standard practice across North Dakota. The new options for high school diplomas and the merit scholarships should encourage hardworking students to maintain their effort throughout high school. Other specific recommendations I support are allowing additional offerings in summer school, a higher weighting factor for special education, the mentorship and coaching grants, the beginnings of an early childhood program, and increased funding of REA s.

I strongly support the continuation of the work of the Commission with the addition of a higher education representative and an employer representative.

Please support this legislation with a **Do Pass.**

Testimony in Support of HB 1400
March 23, 2009

Senate Appropriations
Senator Ray Holmberg, Chair
Harvest Room

Mr. Chairman and Members of the Committee:

My name is Paul Johnson and I am superintendent of the Bismarck School District.

I urge you to resist lowering foundation aid to offset the State Stabilization funding that is a part of the Federal Stimulus funding. Foundation aid is the funding we use for everyday operational costs such as salaries and benefits, heating and lights, and materials and supplies. The Stabilization funding, while somewhat flexible, should not be used for ongoing expenses. The Bismarck School District will only receive an increase of $1.2 M in foundation aid in 2009-10. Subtract 70% of that for teacher compensation, and that leaves very little for other expenses such as curriculum materials, equipment, supplies, or repairs.

The Stabilization funding provides us with the opportunity to fund one-time expenditures such as curriculum materials, equipment, supplies, and building repairs.

Please, fund foundation aid at the Governor's original recommendation and allow school districts to direct the Stimulus funding to one-time projects.

HB 1400
26 Jan 09

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House Education Committee

Re: HB 1400 Education Commission

Date: January 26, 2009

The Honorable RaeAnn G. Kelsch
State Representative
State Capitol Building
600 East Boulevard
Bismarck, ND 58505-0360

Madam Chair and Members of the House Education Committee:

My name is Paul Stremick, Superintendent of Dickinson Public Schools. I am here to testify in favor of HB 1400.

In 2007, the 60th Legislature was successful in passing a landmark elementary and secondary equity funding bill for the children of North Dakota. It was a historic session in many ways. Countless students have seen the benefits of equitable funding in their schools these past two years.

Today, the 61st Legislature has the challenge of leading the next phase of funding for elementary and secondary public school students. . . adequacy. It will drive a whole new era of opportunities for our kids and North Dakota.

Equity, coupled with adequacy, will ensure that North Dakota public schools will produce an even better product... one that will challenge kids in new ways, and allow them to achieve goals only dreamt of in the past.

Much like the strong foundation of a house, the foundation of education must start in the elementary and secondary schools. One cannot have a total P-20 education system in our state without first ensuring that its foundation is solidly in place. I know all too well, that when the

basics of a child's education are lost, the child no longer can grow and achieve. Those costs and the productivity of that person is often lost forever. In North Dakota, I am told that the cost of a prisoner averages around $30,000 per year. The 61st Legislature must work to provide funding for our kids in a positive building format, rather than being forced to fund them later in a potential lifelong punitive format.

A recent documentary on the life of former Governor Art Link shared the great vision and strength that our leaders needed to have. The documentary "When the Land is Silent Again" is a testament to the issues that leaders of the past had before them.

Today, we cannot imagine what challenges the emerging leaders from our public schools will see in their lifetimes. And yet, we, the professional educators, must rely on you, the visionary legislative leaders, to provide the funding opportunities that will allow us to help the kids prepare to meet those unknown future challenges.

For one day, they too, will have to make the decisions that those who have lead before us, have made. . .It must be our goal to ensure that when the children of today look back on their legacies, much like each of you, they too can smile with pride on their accomplishments.

As many of you know, I will be leaving North Dakota at the end of this school year. Yet I am here today, working to ensure that the best possible funding formula for the kids of North Dakota will be in place. For no matter where we park our car each night, the future is our kids.

Thank you for considering the needs of the children of North Dakota, and choosing to represent them so well. There is no greater gift, no greater legacy that the 61st Legislature can leave as its final mark in North Dakota's future heritage than to complete the task and pass this epic funding plan.

Senate Education Committee

Re: HB 1400 Education Commission

Date: March 9, 2009

The Honorable Layton W. Freborg
State Senator
State Capitol Building
600 East Boulevard
Bismarck, ND 58505-0360

Mr. Chair and Members of the Senate Education Committee:

My name is Paul Stremick, Superintendent of Dickinson Public Schools. I am here to testify in favor of HB 1400.

In 2007, the 60th Legislature was successful in passing a landmark elementary and secondary equity funding bill for the children of North Dakota. It was a historic session in many ways. Countless students have seen the benefits of equitable funding in their schools the past two years.

Today, the 61st Legislature has the challenge of leading the next phase of funding for elementary and secondary public school students. . . adequacy. It will drive a whole new era of opportunities for our kids and North Dakota.

Equity, coupled with adequacy, will ensure that North Dakota public schools will produce an even better product... one that will challenge kids in new ways, and allow them to achieve goals only dreamt of in the past.

As you look at the funding formula embedded in HB 1400, continue to keep in mind federal dollars typically do not give school districts the spending flexibility provided by state dollars. The distribution of federal dollars is also done through the state Title I formula which is much different than the state funding formula. Using federal dollars in place of state dollars will create

a different list of winners and losers with no limits such as maximums and minimums to soften the impact.

In closing, I would like to remind you SB 2199 and HB 1304 will need to be reconciled with HB 1400. I do not envy the task that lies in front of you. However, I am confident that you will do what is best for the children of North Dakota. Thank you for the opportunity to submit this testimony. I would be happy to answer any questions or provide more information if you would like.

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Senate Appropriations Committee

Re: HB 1400 Education Commission

Date: March 23, 2009

The Honorable Ray Holmberg
State Senator
State Capitol Building
600 East Boulevard
Bismarck, ND 58505-0360

Mr. Chairman and Members of the Senate Appropriations Committee:

My name is Paul Stremick, Superintendent of Dickinson Public Schools. I was also part of the plaintiff districts that filed a lawsuit against the state of North Dakota for inequitable funding. I am here to testify on the impact of the funding formula which was passed in SB 2200 during the last legislative session.

In 2007, the 60th Legislature was successful in passing a landmark elementary and secondary equity funding bill for the children of North Dakota. It was a historic session in many ways. Countless students have seen the benefits of equitable funding in their schools the past two years.

Today, the 61st Legislature has the challenge of leading the next phase of funding for elementary and secondary public school students. . . adequacy. It will drive a whole new era of opportunities for our kids and North Dakota.

Equity, coupled with adequacy, will ensure that North Dakota public schools will produce an even better product... one that will challenge kids in new ways, and allow them to achieve goals only dreamt of in the past.

As a member of the Commission of Education Improvement, I strongly encourage you to consider the implications of using federal dollars, which typically do not give school districts the

spending flexibility, as compared to state dollars in the funding formula. The distribution of federal dollars is also done through the state Title I formula which is much different than the state funding formula. Using federal dollars in place of state dollars will create a different list of winners and losers with no limits such as minimums and maximums to soften the impact. It is my opinion that a substantial decrease in the proposed funding of 116 million would be devastating to the formula that was created to provide equity and transition into adequacy.

I do not envy the task that lies in front of you. However, I am confident that you will do what is best for the children of North Dakota. Thank you for the opportunity to submit this testimony. I would be happy to answer any questions or provide more information if you would like.

Mr. Chairman, Members of the Committee, my name is Jack Maus, I am the Superintendent at Grafton Public Schools. I am here in support of House Bill 1400.

HB 1400 proposes a fundamental change and an important step in funding education in our state. HB 1400 will directly impact the students of North Dakota. The goal is to increase student academic achievement by providing funding for best practice and researched-based programming. HB 1400 links education funding to standard-based reforms with adequate resources for all schools in North Dakota.

The Commission and the work of the Commission is a success. The Commission brought together a group of stakeholders from a variety of backgrounds that have an understanding and commitment to North Dakota education K – 12. I must admit, serving on the Commission has not only been rewarding but also a learning experience. I feel I have grown as a professional educator, having an opportunity to serve on the Governor's Commission on Education Improvement. I have respect for my fellow Commission members because of the work the Commission has done.

The recommendations proposed by the Commission focus dramatically on improving student achievement and holding all school districts accountable for North Dakota student education. The bill identifies resources needed to provide high educational standards, set goals and outcomes. The recommendations are a compromise between committee members in the best interest of students. The fundamental principles are intertwined and are all a part of the overall resources needed to provide an adequate education.

To me, this is an exciting time to be an educator in our state. Additional funding will provide an opportunity for transition to set high education standards by requiring students and schools to meet them.

I strongly support the recommendations contained in HB 1400. I urge adoption of the recommendations along with the appropriations to fund them.

Thank you for the opportunity to testify.

Not speaking but provided testimony
HB 1400
26 Jan 09

(19)

House Education Committee

January 26, 2009

Testimony for HB 1400

Representative Kelsch and House Education Committee Members

My name if John Jankowski. I'm the Superintendent of St. Mary's Central High School here in Bismarck and the President of the State Association of Non-Public Schools.

Our organization supports the passage of HB 1400 but we feel that private schools are somewhat overlooked in this process. There are approximately 6000 students attending private schools in North Dakota and we believe that the work of the North Dakota Commission on Education Improvement needs to take into account the education of these students. I ask that the bill be amended to include a representative of private schools on the commission. I thank you for including a member from a religious-based provider of preschool education on the North Dakota Early Childhood Learning Council.

HB 1400 is the education bill for North Dakota schools, teachers and students. It's the framework for what is too come. By including a private school representative not only does this give private schools a voice but it also provides another mechanism for communication between the state, public schools districts and private schools.

HB 1400
26 Jan 09

(11)

January 26, 2009

House Education Committee
HB 1400

My name is Kristi Voeller. I am the principal at Martin Luther School in Bismarck. I also serve on the Board of Directors for the State Association of Non-Public Schools (SANS), whom I am representing here today.

SANS is neutral on HB 1400. However, we kindly request that this committee recognize that there are over six thousand students in the state of North Dakota attending non-public schools. We feel they are entitled to representation when committees, council, and commissions are being formed. Please consider the addition of representatives from non-public schools to the Commission on Education Improvement as outlined in HB 1400, Section 28 amending section 15.1-27-41 of the North Dakota Century Code.

If you have any questions, I will be happy to try to answer them.

Thank you for your time and consideration to our request.

HB 1400-Senate Appropriations Committee:

March 23, 2009

Chairman Holberg Committee Members:

My name is John Jankowski, I'm the superintendent of St. Mary's Central High School here in Bismarck and also the President of the State Association of Non Public Schools. Otherwise known as SANS. I behalf of the Non-Public Schools in the state I request that non-public schools be recognized as providing a viable alternative to public education.

So my question today is why there isn't a representative on non-public education on the North Dakota Commission for Education Improvement. I believe our students, parents, and staff deserve to have a voice at the table of what will happen to education in North Dakota.

As you read HB 1400 it address many issues facing schools in North Dakota. Whether the school is public or private many of the issues are the same. I believe by giving representation to private schools you will enhance the communication which is so necessary to make this bill a success.

Rather than go into all the examples in the bill of language that is troubling, I will give you just one example.

I refer to section 3 of the bill and the requirement that the State Superintendent disseminate information regarding state and federally funded health insurance to families with children enrolled in public schools. Are we to assume that parents of children in private schools automatically have health insurance? I don't think so? Our parents make sacrifices just like parents in public schools and when there is a lost job or cut in benefits our parents suffer the same consequences. I wonder what the private schools in Langdon, Ft. Yates, or Valley City think of this language.

This is an example of why private schools need a voice at the table. Please give us your consideration before final passage of HB 1400.

REGIONAL EDUCATION ASSOCIATIONS
Updated: November, 2008

REA	NUMBER OF DISTRICTS	ENROLLMENT	SQUARE MILES
Great Northwest Ed. Coop. (GNWEC)	17	5,904	9,330.76
Mid-Dakota Education Council (MDEC)	11	8,257	2,341.24
Missouri River Ed. Coop. (MREC)	43	20,035	14,144.96
North Central Ed. Coop. (NCEC)	16	5,994	6,541.96
Northeast Ed. Services Coop. (NESC)	17	4,368	6,655.52
Red River Valley Education Coop. (RRVEC)	24	13,479	6,054.72
Roughrider Ed. Services Program (RESP)	17	4,990	8,860.37
South East Education Coop. (SEEC)	38	29,563	12,183.39
REA Totals	183	92,590	66,112.92
State Totals	192	94,057	70,704.00
Percent of State Totals	**95%**	**98%**	**94%**

For additional information regarding JPAs see http://www.dpi.state.nd.us/finance/jtpower.shtm

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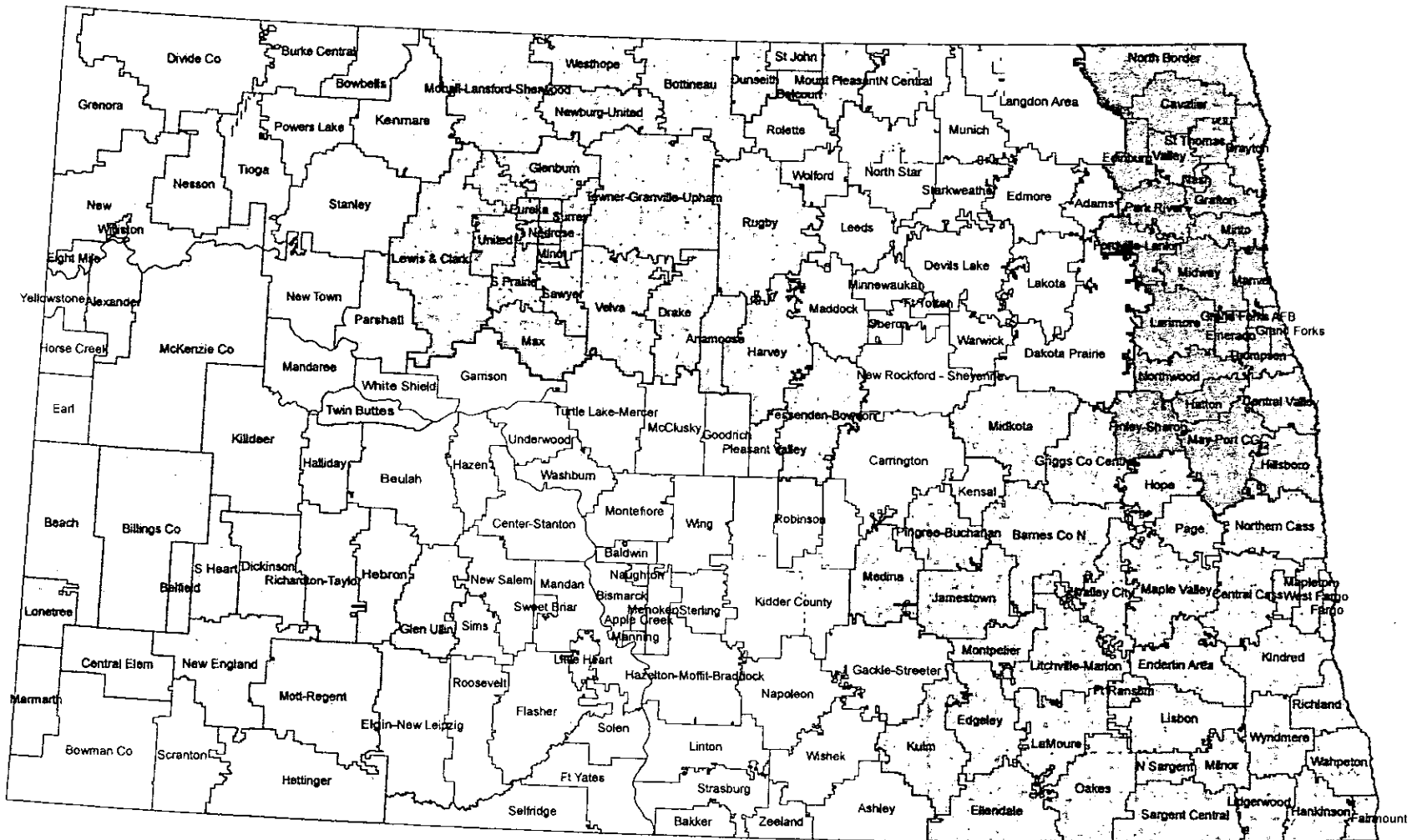
Regional Education Associations (2008-2009)

11/10/2008



Northeast Ed Services Cooperative (NESC)

Roughrider Ed Services Program (RESP)

Mid-Dakota Ed Cooperative (MDEC)

Missouri River Ed Cooperative (MREC)

South East Ed Cooperative (SEEC)

Red River Valley Ed Cooperative (RRVEC)

North Central Ed Cooperative (NCEC)

Great Northwest Ed Cooperative (GNWEC)

The State of North Dakota
Department of Public Instruction
Dr. Wayne G. Sanstead, Superintendent
Office of School District Finance and Organization
600 East Boulevard Avenue, Dept 201
Bismarck, ND 58505-0440

ST 1400 3/11/09

Attachment 1

Department of Public Instruction
600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440
(701) 328-2260 Fax - (701) 328-2461
http://www.dpi.state.nd.us

Dr. Wayne G. Sanstead
State Superintendent

To: HB 1400 Conference Committee

From: Jerry Coleman
School Finance

Date: 4/22/2009

Re: Ending Fund Balance Offset

NDCC 15.1-27-35.3. states that "...Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars."

This offset was applied before the minimum and maximum payment adjustments in the state aid formula in 2007-09. This was implemented in the design and budgeting for the new formula. In its report to the Governor, the ND Commission on Education Improvement recommended that the offset be applied after all other adjustments and to transportation payments. Legislative counsel believes the current language already allows for the application of the offset against all state funds due school districts so an amendment is not necessary.

Because this is a change from past practice, it will be beneficial to get something in the record regarding legislative intent. Unless instructed otherwise, the Department will implement the offset as follows:

- The ending fund balance offset will be applied after all other adjustments to state aid payments.
- The adjustment will be applied first to funding appropriated for Grants – State school aid.
- If any amount remains, the amount will be applied to Grants - Transportation.
- If any amount still remains, the amount will be applied to Grants – Special education contracts.

Attachment 1

Department of Public Instruction
600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440
(701) 328-2260 Fax - (701) 328-2461
http://www.dpi.state.nd.us

Dr. Wayne G. Sanstead
State Superintendent

To: HB 1400 Conference Committee

From: Jerry Coleman
School Finance

Date: 4/29/2009

Re: County Infrastructure Grants

HB 1304 changes the allocation of Oil and Gas Gross Production tax revenues. Revenues that are allocated to districts as part of the formula are included with-in the definition of "Mineral revenue" in 15.1-27-11. This section defines what is to be included in the "imputed taxable valuation" for the equity formula.

"Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

The bill creates a county infrastructure fund. School districts can apply for grants from the infrastructure fund for repair or replacement of school district vehicles necessitated by damage or deterioration attributable to travel on oil and gas development-impacted roads.

A question was asked if the grants from the infrastructure fund should be accounted for as revenue received from county sources and therefore be included in the imputed taxable valuation calculation. The answer is yes and the Department will update its accounting manual to accommodate this.

HB 1400
Adequacy of School Funding

Introduction:

HB 1400 represents the unanimous recommendations of the Commission on Education Improvement regarding the issue of "adequacy" in school funding, as well as other recommendations to further improve equity in school funding.

The school funding lawsuit was settled with the plaintiffs on three conditions: first, that equity in funding be largely achieved through the passage of SB 2200 in 2007; second, that the Commission continue to study the question of "adequacy" in school funding during the 2007-2009 interim period; and three, that the Commission present their recommendations in the form of a bill draft to the 2009 Legislative Assembly.

HB1400 provides a solution to the question of "adequacy of school funding" in three distinct steps:

1) It ensures that combined state and local funding meets the target level recommended by the nation's leading authorities on the subject;

2) It presents a blueprint for the optimum use of those funds to achieve the expected level of student performance;

3) It establishes a means to determine whether the desired student performance is being achieved.

Funding:

HB 1400 provides $110,000,000 in increased per student payments over the current biennium to arrive at total funding in 2010-11 of $7300 per student from state and local sources. This level of funding meets the definition of adequacy recommended by Dr Lawrence Picus and Dr Allan Odden, two of the most recognized national authorities on school funding adequacy. The Commission concurs that the overall funding level recommended is correct and achievable in North Dakota at this time.

Curriculum:

Aside from adequate funding, the next essential element is an adequate curriculum. The Commission believes that North Dakota high schools need to move in the direction of a rigorous core curriculum. Three units of mathematics, three units of science, and a degree of focus among electives should be required for any student to achieve a North Dakota high school diploma. The Commission believes it is is essential to ensure that graduates are indeed " ready for college and ready for work." In order to prevent an increase in high school dropout rates, struggling students may under certain conditions elect an optional curriculum. In order to encourage greater achievement among students, the Commission

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recommends a " Merit Scholarship" for students who take additional courses, maintain a certain grade point average, and demonstrate proficiency in a recognized assessment. The scholarship provides up to $6,000 toward college tuition for qualifying graduates.

Quality Instruction:

Aside from adequate funding and adequate curriculum, the next essential element is adequate classroom instruction. This is achieved by focusing financial resources on teacher compensation, establishing a system of mentoring for new teachers, creating a system of instructional coaching for all teachers, and requiring a formal plan for professional development throughout the teaching career.

Assessing Student Performance:

The final essential step in achieving an adequate education is establishing a target level of student performance and then devising the assessment process needed to determine if the target is or is not being achieved. The Commission recommends that a package of formative, interim, and summative assessments be required in order to determine without question how North Dakota students perform relative to other students in the USA.

Summary:

The Commission on Education Improvement believes that if HB 1400 is enacted into law, it will ensure that every student in North Dakota elementary and secondary schools will receive the necessary resources and tools to guarantee that their education is at least adequate and for the vast majority of students far more than adequate.

State Aid To Schools

	Biennial Appropriation 1999-2001	Biennial Appropriation 2001-2003	Biennial Appropriation 2003-2005	Biennial Appropriation 2005-2007	Biennial Appropriation 2007-2009	Executive Rec 2009-2011	House Amendments 2009-2011	Senate Amendments 2009-2011
Grants - State school aid	443,006,259	437,971,648	454,579,490	484,053,759	726,165,879	837,125,879	826,965,879	826,965,879
Grants - Transportation	36,000,000	36,000,000	34,800,000	33,500,000	33,500,000	38,500,000	38,500,000	38,500,000
Grants - Special education aid	46,600,000	49,898,695	49,898,695	52,500,000	17,500,000	15,500,000	15,500,000	15,500,000
K-12 State Aid Formula Payments	**525,606,259**	**523,870,343**	**539,278,185**	**570,053,759**	**777,165,879**	**891,125,879**	**880,965,879**	**880,965,879**
Grants - Supplemental Transportation HB 1400							2,000,000	2,000,000
Grants - Pk Early Childhood Education HB 1400						\1	1,500,000	
Grants - Mentoring Program HB 1400						2,300,000	2,300,000	
Grants - Teacher Support Program HB 1400								2,300,000
Grants - Instructional Coaching Pilot HB 1400						500,000	500,000	
Grants - National Board Certification fund HB 1400								500,000
Grants - teacher compensation payments		35,036,000	51,854,000	50,912,120				
Grants - tuition apportionment	53,528,217	67,239,025	69,495,371	71,600,000				
Grants - revenue supplement payments	3,100,000	2,200,000	5,000,000	5,000,000				
Grants - ADM supplemental pmt	2,500,000							
Grants - declining enrollment supp pmt	1,000,000							
Grants - reorganization bonuses		1,665,000	500,000	759,000				
Grants - JPA incentives (SB 2200)				1,000,000				
Total state aid to schools - DPI	585,734,476	630,010,368	666,127,556	699,324,879	777,165,879	893,925,879	887,265,879	885,765,879
		44,275,892	36,117,188	33,197,323	77,841,000	116,760,000	110,100,000	108,600,000
		7.6%	5.7%	5.0%	11.1%	15.0%	14.2%	14.0%
Contingent Appropriation								
Deferred Maintenance and Physical Improvement Grants					5,000,000	10,000,000	-	10,000,000
Supplemental Tranportation Payments							5,000,000	5,000,000

Notes

\1 The Excecutive Recommendation included $3.5 million for a Pk factor in the State School Aid line that was removed by the House.

State Aid Formula Report
2009-10 payment year projection

CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2008-09 State Formula Payment	$ change	% change
01-013	Hettinger 13	359.89	1,230,871	-	-	-	-	-	1,230,871	8,549	282	24,701	1,174,091	56,780	5%
02-002	Valley City 2	1,199.80	4,103,472	-	-	648,912	-	-	4,752,384	7,626	1,088	17,453	4,571,455	180,928	4%
02-007	Barnes County North 7	407.31	1,393,053	(816,890)	-	-	445,533	-	1,021,696	12,567	297	54,287	1,009,720	11,977	1%
02-046	Litchville-Marion 46	185.46	634,297	(354,205)	-	-	226,438	-	506,530	12,488	135	53,374	522,348	(15,817)	-3%
03-005	Minnewaukan 5	299.38	1,023,919	-	-	294,566	-	-	1,318,485	7,605	212	7,708	1,250,634	67,851	5%
03-006	Leeds 6	202.08	691,140	-	(3,745)	-	-	-	687,395	10,325	147	33,610	660,460	26,935	4%
03-009	Maddock 9	238.63	816,146	-	-	-	-	-	816,146	9,252	173	26,086	810,768	5,378	1%
03-016	Oberon 16	86.83	296,970	-	(7,743)	25,128	-	-	314,355	7,937	62	16,838	196,887	117,468	37%
03-029	Warwick 29	323.80	1,107,438	-	-	200,004	-	-	1,307,443	6,526	231	5,562	1,191,152	116,291	9%
03-030	Ft Totten 30	226.43	774,420	-	-	131,129	40,942	-	946,491	6,382	154	749	764,244	182,247	19%
04-001	Billings Co 1	58.93	201,548	(201,548)	-	-	2,891	(2,891)	-	34,320	43	745,682	2,803	(2,803)	0%
05-001	Bottineau 1	749.48	2,563,319	-	-	-	-	-	2,563,319	8,259	667	26,928	2,357,591	205,728	8%
05-017	Westhope 17	183.28	626,841	-	(5,819)	-	-	-	621,022	10,182	131	31,651	541,387	79,636	13%
05-054	Newburg-United 54	118.54	405,422	(379,889)	-	-	185,432	-	210,966	15,318	72	72,491	188,194	22,772	11%
06-001	Bowman County 1	505.80	1,729,902	(117,550)	-	-	-	-	1,612,351	10,493	424	36,463	1,615,016	(2,664)	0%
06-033	Scranton 33	189.81	649,175	(141,834)	-	-	70,923	-	578,264	11,366	139	41,818	588,575	(10,311)	-2%
07-014	Bowbells 14	87.16	298,099	(203,717)	-	-	139,595	(80,011)	153,966	12,113	64	57,405	219,052	(65,086)	-42%
07-027	Powers Lake 27	132.30	452,483	-	-	-	-	-	452,483	11,251	97	31,301	457,884	(5,400)	-1%
07-036	Burke Central 36	133.46	456,451	(206,538)	-	-	46,065	-	295,978	13,292	81	52,762	269,231	26,747	9%
08-001	Bismarck 1	11,992.04	41,014,336	-	-	-	-	-	41,014,336	8,314	10,777	21,733	39,863,541	1,150,795	3%
08-025	Naughton 25	4.03	13,783	(13,783)	-	-	42,063	-	42,063	31,022	3	102,332	92,505	(50,442)	-120%
08-028	Wing 28	142.83	488,497	-	(11,556)	-	-	-	476,941	9,105	97	25,293	404,472	72,468	15%
08-029	Baldwin 29	16.11	55,098	(55,098)	-	-	45,388	-	45,388	21,699	12	82,098	68,936	(23,548)	-52%
08-033	Menoken 33	27.46	93,917	(93,917)	-	-	39,570	-	39,570	15,947	20	69,769	37,211	2,359	6%
08-035	Sterling 35	29.86	102,125	(102,125)	-	-	60,567	-	60,567	27,708	22	102,212	76,447	(15,880)	-26%
08-039	Apple Creek 39	85.93	293,892	(112,715)	-	-	86,359	-	267,536	14,318	64	47,157	231,016	36,520	14%
08-045	Manning 45	8.05	27,532	(5,746)	-	-	11,643	-	33,429	16,946	6	41,365	38,068	(4,639)	-14%
09-001	Fargo 1	11,644.41	39,825,396	-	-	-	-	-	39,825,396	9,974	10,506	23,163	37,378,973	2,446,423	6%
09-002	Kindred 2	735.07	2,514,035	-	(14,312)	-	-	-	2,499,723	7,322	669	21,523	2,270,073	229,651	9%
09-004	Maple Valley 4	331.30	1,133,089	(168,749)	-	-	-	-	964,340	10,878	248	39,368	970,680	(6,340)	-1%
09-006	West Fargo 6	7,395.63	25,294,016	-	(288,060)	-	-	-	25,005,956	8,181	6,668	23,440	21,465,200	3,540,756	14%
09-007	Mapleton 7	104.86	358,635	(162,069)	-	-	170,570	-	367,136	16,059	77	49,633	335,904	31,232	9%
09-017	Central Cass 17	901.69	3,083,897	-	-	-	-	-	3,083,897	6,823	816	19,275	2,912,663	171,234	6%
09-080	Page 80	111.33	380,763	(157,172)	-	-	105,891	-	329,482	12,067	82	48,278	317,804	11,678	4%
09-097	Northern Cass	571.69	1,955,254	-	(108,815)	-	-	-	1,846,439	7,909	513	23,427	1,696,996	149,443	8%
10-019	Munich 19	135.26	462,607	(208,175)	-	-	104,502	-	358,934	12,375	88	51,513	388,230	(29,296)	-8%

P.S.

State Aid Formula Report
2009-10 payment year projection

CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2008-09 State Formula Payment	$ change	% change
10-023	Langdon Area 23	453.80	1,552,055	(582,188)	-	-	310,389	-	1,280,256	10,152	402	44,898	1,369,013	(88,757)	-7%
11-040	Ellendale 40	418.01	1,429,649	-	-	-	-	-	1,429,649	8,328	352	23,770	1,263,567	166,082	12%
11-041	Oakes 41	546.85	1,870,298	-	-	-	-	-	1,870,298	7,682	488	20,811	1,821,866	48,432	3%
12-001	Divide County 1	319.56	1,092,937	(419,951)	-	-	321,057	-	994,043	10,630	238	47,181	1,010,834	(16,792)	-2%
13-016	Killdeer 16	436.35	1,492,374	-	(20,251)	-	-	-	1,472,123	9,394	379	30,681	1,316,167	155,956	11%
13-019	Halliday 19	36.13	123,569	(123,569)	-	-	99,812	-	99,812	18,722	26	84,081	116,293	(16,481)	-17%
13-037	Twin Buttes 37	58.43	199,838	-	-	29,754	-	-	229,592	6,560	35	2,885	191,461	38,131	17%
14-002	New Rockford-Sheyenne 2	420.41	1,437,857	-	-	-	24,182	-	1,462,039	7,534	353	20,516	1,505,448	(43,409)	-3%
15-006	Hazelton-Moffit-Braddock 6	190.18	650,440	-	(44,780)	-	-	-	605,661	9,441	138	31,127	547,330	58,330	10%
15-010	Bakker 10	10.70	36,595	(36,595)	-	-	479	(479)	-	18,498	8	146,277	422	(422)	0%
15-015	Strasburg 15	201.51	689,190	-	-	-	-	-	689,190	8,637	146	23,262	676,113	13,078	2%
15-036	Linton 36	396.41	1,355,774	-	-	121,620	-	-	1,477,394	7,333	330	16,894	1,320,914	156,481	11%
16-049	Carrington 49	643.85	2,202,051	-	-	-	-	-	2,202,051	7,736	575	24,041	2,103,698	98,352	4%
17-003	Beach 3	360.11	1,231,623	(106,797)	-	-	91,964	-	1,216,790	9,124	275	38,596	1,162,752	54,038	4%
17-006	Lone Tree 6	40.78	139,473	(83,897)	-	-	69,952	-	125,528	17,351	30	54,619	119,064	6,463	5%
18-001	Grand Forks 1	7,879.96	26,950,488	-	-	-	-	-	26,950,488	8,117	7,026	24,373	26,100,984	849,504	3%
18-044	Larimore 44	517.41	1,769,609	-	-	198,381	-	-	1,967,991	7,739	461	18,352	1,860,796	107,195	5%
18-061	Thompson 61	441.07	1,508,517	-	-	133,089	-	-	1,641,606	7,688	391	18,817	1,693,804	(52,199)	-3%
18-125	Manvel 125	190.64	652,014	-	-	-	-	-	652,014	11,210	132	32,913	659,242	(7,229)	-1%
18-127	Emerado 127	106.43	364,004	-	-	-	20,441	(13,599)	370,847	13,069	77	29,929	353,750	17,097	5%
18-128	Midway 128	317.19	1,084,831	-	-	-	-	-	1,084,831	9,945	237	28,050	987,494	97,337	9%
18-129	Northwood 129	303.63	1,038,454	-	-	-	-	-	1,038,454	9,472	225	26,294	1,025,397	13,057	1%
18-140	Grand Forks AFB 140	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
19-018	Roosevelt 18	141.95	485,487	-	-	-	15,653	-	501,140	9,345	103	24,784	517,466	(16,326)	-3%
19-049	Elgin-New Leipzig 49	211.83	724,486	-	(138)	-	-	-	724,348	10,851	152	29,446	697,602	26,746	4%
20-007	Midkota 7	146.50	501,049	(336,696)	-	-	249,009	-	413,363	14,511	106	57,357	415,760	(2,397)	-1%
20-018	Griggs County Central 18	366.47	1,253,375	-	-	-	-	-	1,253,375	8,725	286	22,723	1,192,847	60,528	5%
21-001	Mott-Regent 1	290.64	994,711	(4,994)	(37,414)	-	-	-	952,303	10,104	217	34,630	935,604	16,700	2%
21-009	New England 9	197.41	675,168	(112,284)	-	-	4,218	-	567,102	11,639	143	40,123	588,599	(21,497)	-4%
22-001	Kidder County 10	515.25	1,762,222	-	-	-	4,488	-	1,766,710	9,436	393	29,675	1,642,488	124,222	7%
22-014	Robinson 14	28.60	97,816	(97,816)	-	-	66,715	(66,715)	-	30,511	7	185,396	64,701	(64,701)	0%
23-003	Edgeley 3	286.12	978,568	-	-	-	-	-	978,568	10,009	211	29,669	899,255	79,312	8%
23-007	Kulm 7	132.51	453,201	(360,237)	-	-	223,107	-	316,072	14,291	96	61,509	321,221	(5,149)	-2%
23-008	LaMoure 8	376.75	1,288,534	-	-	-	-	-	1,288,534	7,731	307	22,367	1,238,862	49,672	4%
24-002	Napoleon 2	310.81	1,063,011	-	-	28,259	-	-	1,091,270	8,034	235	19,121	1,047,612	43,658	4%
24-056	Gackle-Streeter 56	142.96	488,942	(274,436)	-	-	89,712	-	304,217	12,024	93	55,732	289,749	14,469	5%

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25-001	Velva 1	446.55	1,527,259	-	-	-	-	-	1,527,259	7,433	391	21,422	1,465,759	61,500	4%
25-014	Anamoose 14	90.14	308,291	-	-	-	-	-	308,291	11,366	65	32,509	321,305	(13,015)	-4%
25-057	Drake 57	139.75	477,963	(59,794)	-	-	-	-	418,169	10,805	101	38,731	394,619	23,550	6%
25-060	TGU 60	389.17	1,331,012	(55,368)	(32,620)	-	-	-	1,243,025	10,048	320	35,712	1,167,488	75,536	6%
26-004	Zeeland 4	69.15	236,502	(179,603)	-	-	99,265	-	156,164	15,059	43	64,567	162,005	(5,841)	-4%
26-009	Ashley 9	164.44	562,406	(11,457)	-	-	-	-	550,949	10,716	120	35,152	564,635	(13,686)	-2%
26-019	Wishek 19	285.98	978,089	-	-	-	-	-	978,089	8,558	211	21,986	943,588	34,501	4%
27-001	McKenzie Co 1	580.77	1,986,309	-	-	-	-	-	1,986,309	8,851	520	28,795	1,864,145	122,164	6%
27-002	Alexander 2	104.95	358,943	(222,666)	-	-	37,579	-	173,856	14,263	56	63,121	169,254	4,602	3%
27-014	Yellowstone 14	103.99	355,659	(37,772)	-	-	11,653	(85,084)	244,456	11,418	71	38,298	320,389	(75,933)	-31%
27-018	Earl 18	7.94	27,156	(27,156)	-	-	541	(541)	-	6,605	5	269,064	741	(741)	0%
27-032	Horse Creek 32	6.69	22,881	(22,881)	-	-	292	(292)	-	26,075	5	416,992	302	(302)	0%
27-036	Mandaree 36	263.61	901,580	-	-	7,000	194,870	-	1,103,450	7,397	188	14,180	950,643	152,808	14%
28-001	Montefiore 1	302.45	1,034,418	-	-	-	-	-	1,034,418	8,232	227	21,299	939,303	95,115	9%
28-004	Washburn 4	340.93	1,166,025	-	-	-	-	-	1,166,025	8,984	260	27,391	1,158,009	8,016	1%
28-008	Underwood 8	252.08	862,146	(20,118)	-	-	-	-	842,028	11,035	184	35,252	797,568	44,461	5%
28-050	Max 50	211.16	722,195	-	-	-	-	-	722,195	9,234	153	24,050	730,336	(8,142)	-1%
28-051	Garrison 51	404.94	1,384,947	-	(29,694)	-	-	-	1,355,253	8,930	333	28,473	1,203,148	152,105	11%
28-072	Turtle Lake-Mercer 72	217.10	742,510	(41,891)	-	-	-	-	700,619	10,705	158	36,375	698,519	2,100	0%
28-085	White Shield 85	205.10	701,469	-	-	108,813	6,890	-	817,172	7,520	128	5,079	575,123	242,049	30%
29-003	Hazen 3	710.30	2,429,318	-	-	651,522	-	-	3,080,840	8,020	642	15,193	2,779,382	301,458	10%
29-027	Beulah 27	787.47	2,693,250	-	-	-	-	-	2,693,250	8,125	717	21,248	2,631,771	61,479	2%
30-001	Mandan 1	3,555.07	12,158,802	-	-	1,652,349	-	-	13,811,150	7,661	3,212	17,898	13,593,333	217,817	2%
30-004	Little Heart 4	16.11	55,098	(55,098)	-	-	49,619	(49,619)	-	14,250	12	72,814	36,276	(36,276)	0%
30-007	New Salem 7	376.83	1,288,808	-	-	78,772	-	-	1,367,579	7,308	309	16,926	1,197,879	169,700	12%
30-008	Sims 8	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
30-013	Hebron 13	243.59	833,109	-	(20,722)	-	-	-	812,387	8,808	174	24,332	735,943	76,445	9%
30-017	Sweet Briar 17	10.74	36,732	(27,699)	-	-	20,892	-	29,925	11,833	8	59,418	27,347	2,578	9%
30-039	Flasher 39	273.91	936,808	-	-	160,492	-	-	1,097,299	8,448	203	16,405	1,184,250	(86,951)	-8%
30-048	Glen Ullin 48	193.24	660,906	-	-	-	21,720	-	682,626	10,666	140	33,480	728,544	(45,918)	-7%
31-001	New Town 1	818.51	2,799,411	-	-	686,253	-	-	3,485,664	7,160	711	10,342	3,251,204	234,460	7%
31-002	Stanley 2	444.90	1,521,616	-	-	-	-	-	1,521,616	8,166	395	21,545	1,400,478	121,138	8%
31-003	Parshall 3	352.68	1,206,211	-	(20,970)	-	-	-	1,185,241	8,576	271	20,550	1,094,464	90,777	8%
32-001	Dakota Prairie 1	350.77	1,199,679	(128,084)	-	-	-	-	1,071,595	11,164	259	38,022	937,640	133,955	13%
32-066	Lakota 66	277.43	948,847	-	-	-	-	-	948,847	9,215	204	24,555	934,259	14,588	2%
33-001	Center-Stanton 1	274.33	938,244	(33,959)	-	-	86,065	-	990,351	11,449	208	35,640	1,043,443	(53,092)	-5%

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34-006	Cavalier 6	494.74	1,692,075	-	-	-	-	-	1,692,075	7,838	435	21,017	1,678,826	13,249	1%
34-012	Valley 12	214.59	733,926	-	-	-	-	-	733,926	9,543	157	24,652	624,718	109,207	15%
34-019	Drayton 19	176.79	604,645	(173,966)	-	-	22,102	-	452,780	12,759	129	44,183	439,896	12,885	3%
34-043	St Thomas 43	127.73	436,853	(12,744)	-	-	-	-	424,110	12,034	92	35,462	438,202	(14,092)	-3%
34-100	North Border 100	595.30	2,036,003	-	(87,652)	-	-	-	1,948,351	9,620	452	28,658	1,819,318	129,033	7%
35-001	Wolford 1	82.54	282,298	(5,414)	(5,952)	-	-	-	270,931	12,936	49	35,260	254,401	16,530	6%
35-005	Rugby 5	628.92	2,150,988	-	-	60,127	-	-	2,211,115	7,678	561	20,099	1,950,889	260,226	12%
36-001	Devils Lake 1	1,866.10	6,382,305	-	-	2,333,123	-	-	8,715,427	7,722	1,663	13,093	8,618,420	97,008	1%
36-002	Edmore 2	103.80	355,009	(330,291)	-	-	149,827	-	174,546	12,165	76	65,786	179,384	(4,838)	-3%
36-044	Starkweather 44	129.33	442,325	-	-	-	-	-	442,325	11,113	86	34,096	411,254	31,072	7%
37-006	Ft Ransom 6	33.56	114,780	(28,298)	-	-	7,860	-	94,342	13,924	25	42,622	88,319	6,023	6%
37-019	Lisbon 19	725.94	2,482,809	-	-	633,767	-	-	3,116,576	7,657	653	15,429	2,913,768	202,808	7%
37-024	Enderlin Area 24	374.19	1,279,778	-	-	-	-	-	1,279,778	8,605	304	26,455	1,289,444	(9,665)	-1%
38-001	Mohall-Lansford-Sherwood 1	456.74	1,562,110	(12,496)	(67,703)	-	-	-	1,481,911	10,523	337	34,731	1,279,172	202,739	14%
38-026	Glenburn 26	324.29	1,109,114	-	-	34,915	22,128	-	1,166,157	8,625	248	19,917	1,176,609	(10,453)	-1%
39-008	Hankinson 8	388.01	1,327,045	-	(28,565)	-	-	-	1,298,479	8,156	317	22,359	1,176,589	121,891	9%
39-018	Fairmount 18	167.15	571,675	(22,115)	(71,413)	-	-	-	478,146	10,719	120	35,792	444,241	33,905	7%
39-028	Lidgerwood 28	263.76	902,093	-	-	-	-	-	902,093	8,636	195	21,036	826,429	75,665	8%
39-037	Wahpeton 37	1,372.92	4,695,565	-	-	429,286	-	-	5,124,850	7,708	1,222	18,780	5,090,268	34,583	1%
39-042	Wyndmere 42	287.59	983,595	-	(32,984)	-	-	-	950,611	9,908	213	33,264	905,005	45,606	5%
39-044	Richland 44	367.89	1,258,232	-	-	-	-	-	1,258,232	8,232	296	21,498	1,204,847	53,385	4%
40-001	Dunseith 1	663.64	2,269,735	-	-	480,309	-	-	2,750,044	5,334	565	2,874	2,492,467	257,577	9%
40-003	St John 3	385.25	1,317,605	-	-	260,982	-	-	1,578,587	5,599	307	2,831	1,480,650	97,937	6%
40-004	Mt Pleasant 4	314.84	1,076,794	-	-	78,203	-	-	1,154,997	8,229	237	18,357	1,205,414	(50,417)	-4%
40-007	Belcourt 7	1,889.27	6,461,549	-	-	1,393,594	-	-	7,855,143	4,792	1,639	261	6,807,643	1,047,500	13%
40-029	Rolette 29	203.10	694,628	-	-	-	-	-	694,628	8,785	146	20,919	751,921	(57,292)	-8%
41-002	Milnor 2	349.74	1,196,156	-	-	294,444	-	-	1,490,600	8,376	266	14,695	1,486,569	4,031	0%
41-003	N Sargent 3	307.57	1,051,929	-	-	252,933	-	-	1,304,862	8,124	232	13,989	1,207,289	97,574	7%
41-006	Sargent Central 6	320.63	1,096,596	-	(78,596)	-	-	-	1,018,000	10,442	242	32,988	950,992	67,008	7%
42-016	Goodrich 16	51.79	177,129	(67,121)	-	-	40,348	-	150,355	12,915	38	47,194	145,462	4,893	3%
42-019	McClusky 19	136.23	465,924	-	(19,187)	-	-	-	446,738	9,871	99	28,784	386,838	59,900	13%
43-003	Solen 3	236.16	807,698	-	-	296,208	-	-	1,103,906	8,571	163	9,801	1,018,742	85,164	8%
43-004	Ft Yates 4	318.09	1,087,909	-	-	172,274	-	-	1,260,183	6,686	203	2,524	1,164,158	96,025	8%
43-008	Selfridge 8	71.00	242,829	-	-	-	4,380	-	247,209	10,162	50	28,318	88,707	158,502	64%
44-012	Marmarth 12	16.11	55,098	(55,098)	-	-	703	(703)	-	13,111	12	238,532	1,030	(1,030)	0%
44-032	Central Elementary 32	4.03	13,783	(13,783)	-	-	160	(160)	-	37,322	3	1,076,682	207	(207)	0%

State Aid Formula Report
2009-10 payment year projection

CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2008-09 State Formula Payment	$ change	% change
45-001	Dickinson 1	2,777.83	9,500,540	-	-	562,886	-	-	10,063,425	7,695	2,504	19,463	10,571,006	(507,581)	-5%
45-009	South Heart 9	311.08	1,063,934	-	-	-	-	-	1,063,934	7,747	235	19,051	1,062,550	1,384	0%
45-013	Belfield 13	305.72	1,045,602	-	-	342,247	-	-	1,387,849	8,710	226	12,494	1,273,917	113,932	8%
45-034	Richardton-Taylor 34	327.97	1,121,700	-	-	-	20,413	-	1,142,113	9,557	245	25,232	1,050,899	91,214	8%
46-010	Hope 10	152.58	521,843	(9,278)	(26,946)	-	-	-	485,619	10,407	112	35,061	441,868	43,752	9%
46-019	Finley-Sharon 19	227.29	777,361	-	(33,364)	-	-	-	743,997	9,744	166	28,397	702,248	41,750	6%
47-001	Jamestown 1	2,442.63	8,354,112	-	-	1,652,324	-	-	10,006,436	7,755	2,197	16,613	9,617,276	389,160	4%
47-003	Medina 3	221.56	757,764	-	-	-	-	-	757,764	9,536	160	25,191	692,598	65,167	9%
47-010	Pingree-Buchanan	202.85	693,773	-	-	-	-	-	693,773	8,937	148	23,884	660,805	32,968	5%
47-014	Montpelier 14	138.84	474,851	-	-	-	-	-	474,851	10,076	101	28,434	446,301	28,550	6%
47-019	Kensal 19	75.13	256,954	(165,795)	-	-	60,845	-	152,004	14,666	45	61,018	154,749	(2,745)	-2%
48-010	North Star 10	347.12	1,187,196	-	-	-	-	-	1,187,196	9,520	254	30,645	1,130,321	56,875	5%
48-028	North Central 28	91.98	314,584	(268,508)	-	-	193,078	-	239,154	16,465	52	71,679	230,131	9,022	4%
49-003	Central Valley 3	305.70	1,045,534	-	(42,269)	-	-	-	1,003,265	9,178	232	30,295	947,438	55,826	6%
49-007	Hatton 7	291.90	998,336	-	-	-	-	-	998,336	8,927	217	21,270	1,035,188	(36,852)	-4%
49-009	Hillsboro 9	469.80	1,606,777	-	(33,403)	-	-	-	1,573,374	8,339	420	24,821	1,384,024	189,350	12%
49-014	May-Port CG 14	616.43	2,108,271	-	-	-	-	-	2,108,271	7,945	552	21,999	1,931,018	177,252	8%
50-003	Grafton 3	1,021.92	3,495,099	-	-	1,439,132	-	-	4,934,231	7,800	884	11,881	4,665,423	268,809	5%
50-005	Fordville-Lankin 5	118.49	405,251	(12,510)	-	-	-	-	392,741	10,463	86	35,512	363,212	29,529	8%
50-020	Minto 20	294.03	1,005,621	-	-	66,419	-	-	1,072,040	8,486	220	19,047	886,046	185,994	17%
50-051	Nash 51	12.09	41,349	(41,349)	-	-	34,480	-	34,480	24,509	9	103,663	33,590	891	3%
50-078	Park River 78	480.27	1,642,586	-	-	453,261	-	-	2,095,847	7,766	423	14,892	1,980,418	115,429	6%
50-106	Edinburg 106	140.35	480,015	-	-	12,933	291	-	493,239	8,630	102	19,993	486,864	6,375	1%
50-128	Adams 128	76.51	261,674	(18,969)	-	-	26,578	-	269,283	11,077	56	36,905	253,208	16,076	6%
51-001	Minot 1	7,310.82	25,003,955	-	-	-	-	-	25,003,955	6,988	6,577	21,310	24,154,260	849,695	3%
51-004	Nedrose 4	245.00	837,932	(69,272)	-	-	-	-	768,660	11,168	190	37,091	753,227	15,433	2%
51-007	United 7	615.08	2,103,654	-	-	397,889	-	-	2,501,543	7,498	548	16,109	2,618,568	(117,026)	-5%
51-016	Sawyer 16	176.30	602,969	-	-	-	-	-	602,969	9,834	127	26,350	602,357	612	0%
51-019	Eureka 19	10.74	36,732	(36,732)	-	-	16,123	-	16,123	23,869	8	140,853	15,765	358	2%
51-028	Kenmare 28	355.83	1,216,985	-	(59,374)	-	-	-	1,157,611	9,324	276	27,995	1,054,842	102,769	9%
51-041	Surrey 41	403.36	1,379,544	-	-	559,405	-	-	1,938,949	8,066	341	11,816	1,822,176	116,773	6%
51-070	S Prairie 70	189.50	648,115	(80,502)	-	-	29,422	-	597,035	10,247	148	38,384	579,267	17,767	3%
51-160	Minot AFB 160	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
51-161	Lewis and Clark 161	416.97	1,426,092	-	(29,034)	-	-	-	1,397,058	9,105	357	28,878	1,339,068	57,990	4%
52-025	Fessenden-Bowdon 25	197.75	676,331	(443,423)	-	-	248,960	-	481,867	12,226	144	56,679	528,981	(47,113)	-10%
52-035	Pleasant Valley 3	15.18	51,918	(51,918)	-	-	30,335	-	30,335	22,121	11	103,735	34,010	(3,675)	-12%

State Aid Formula Report
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CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2008-09 State Formula Payment	$ change	% change
52-038	Harvey 38	462.25	1,580,955	-	-	-	-	-	1,580,955	8,039	412	22,879	1,568,802	12,154	1%
53-001	Williston 1	2,464.31	8,428,261	-	-	2,406,508	-	-	10,834,768	7,921	2,203	14,774	10,295,601	539,168	5%
53-002	Nesson 2	223.65	764,912	-	(8,360)	-	-	-	756,552	10,658	164	33,307	666,336	90,217	12%
53-006	Eight Mile 6	276.47	945,563	-	-	210,917	-	-	1,156,481	8,527	194	13,455	1,102,102	54,379	5%
53-008	New 8	227.94	779,584	(452,312)	-	-	207,668	-	534,941	11,128	209	50,064	536,759	(1,818)	0%
53-015	Tioga 15	340.92	1,165,991	-	-	-	-	-	1,165,991	9,314	261	30,042	1,100,568	65,422	6%
53-099	Grenora 99	141.03	482,341	(248,145)	-	-	93,503	-	327,699	14,985	80	56,819	267,147	60,552	18%
	Statewide	110,608.60	378,295,791	(9,584,764)	(1,271,440)	19,980,129	5,154,138	(300,092)	392,273,762	8,490	94,574	25,191	373,040,494	19,054,733	5%
	Counts			67	30	41	63	11							

State Aid Formula Report
2010-11 payment year projection

CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2009-10 State Formula Payment	$ change	% change
01-013	Hettinger 13	357.85	1,352,451	-	-	-	-	-	1,352,451	9,275	273	25,514	1,230,871	121,581	10%
02-002	Valley City 2	1,220.47	4,612,620	-	-	691,594	-	-	5,304,214	8,076	1,095	17,330	4,752,384	551,830	12%
02-007	Barnes County North 7	415.36	1,569,803	(798,399)	-	-	313,894	-	1,085,298	12,657	300	53,758	1,021,696	63,602	6%
02-046	Litchville-Marion 46	186.75	705,799	(350,152)	-	-	175,659	-	531,306	12,632	135	53,208	506,530	24,775	5%
03-005	Minnewaukan 5	306.87	1,159,778	-	-	294,566	-	-	1,454,344	8,139	215	7,609	1,318,485	135,860	10%
03-006	Leeds 6	206.23	779,422	-	-	-	-	-	779,422	10,832	149	33,246	687,395	92,026	13%
03-009	Maddock 9	241.11	911,246	-	-	-	-	-	911,246	9,736	174	25,911	816,146	95,101	12%
03-016	Oberon 16	91.44	345,587	-	(5,469)	32,985	-	-	373,103	8,603	64	16,304	314,355	58,748	19%
03-029	Warwick 29	329.52	1,245,381	-	-	200,004	-	-	1,445,386	7,055	233	5,509	1,307,443	137,943	11%
03-030	Ft Totten 30	219.64	830,103	-	-	127,424	-	-	957,527	6,662	149	773	946,491	11,036	1%
04-001	Billings Co 1	58.61	221,509	(221,509)	-	-	2,995	(2,995)	-	35,142	42	763,547	-	-	0%
05-001	Bottineau 1	735.52	2,779,810	-	-	-	-	-	2,779,810	8,830	649	27,703	2,563,319	216,491	8%
05-017	Westhope 17	178.38	674,166	-	-	-	-	-	674,166	10,975	126	32,808	621,022	53,144	9%
05-054	Newburg-United 54	116.89	441,772	(387,005)	-	-	161,930	-	216,697	15,773	70	74,254	210,966	5,731	3%
06-001	Bowman County 1	501.18	1,894,150	(155,094)	-	-	-	-	1,739,055	11,030	415	37,269	1,612,351	126,704	8%
06-033	Scranton 33	185.80	702,209	(157,437)	-	-	44,860	-	589,633	11,760	135	42,958	578,264	11,369	2%
07-014	Bowbells 14	81.68	308,700	(223,857)	-	-	143,559	(80,011)	148,391	12,914	60	61,643	153,966	(5,575)	-4%
07-027	Powers Lake 27	122.14	461,613	-	-	-	-	-	461,613	12,417	89	34,257	452,483	9,130	2%
07-036	Burke Central 36	127.55	482,060	(226,704)	-	-	39,301	-	294,657	14,046	77	55,822	295,978	(1,321)	0%
08-001	Bismarck 1	12,326.74	46,587,435	-	-	-	-	-	46,587,435	8,672	10,974	21,342	41,014,336	5,573,099	14%
08-025	Naughton 25	4.29	16,214	(16,214)	-	-	46,643	-	46,643	31,806	3	99,999	42,063	4,579	11%
08-028	Wing 28	147.65	558,025	-	(7,470)	-	-	-	550,556	9,676	99	24,810	476,941	73,615	15%
08-029	Baldwin 29	16.68	63,040	(63,040)	-	-	48,951	-	48,951	21,477	12	80,161	45,388	3,564	8%
08-033	Menoken 33	28.49	107,675	(95,320)	-	-	30,410	-	42,765	15,722	20	68,101	39,570	3,195	8%
08-035	Sterling 35	31.14	117,690	(117,690)	-	-	65,795	-	65,795	27,264	23	99,719	60,567	5,228	9%
08-039	Apple Creek 39	90.23	341,013	(104,074)	-	-	55,690	-	292,629	14,352	66	46,007	267,536	25,093	9%
08-045	Manning 45	8.24	31,142	(4,983)	-	-	9,485	-	35,644	16,920	6	40,422	33,429	2,215	7%
09-001	Fargo 1	11,865.72	44,845,065	-	-	-	-	-	44,845,065	10,356	10,604	22,950	39,825,396	5,019,669	13%
09-002	Kindred 2	748.90	2,830,378	-	-	-	-	-	2,830,378	7,741	676	21,315	2,499,723	330,655	13%
09-004	Maple Valley 4	336.26	1,270,854	(152,246)	-	-	-	-	1,118,608	11,378	251	38,950	964,340	154,269	16%
09-006	West Fargo 6	7,538.56	28,491,083	-	(28,119)	-	-	-	28,462,964	8,618	6,731	23,221	25,005,956	3,457,008	14%
09-007	Mapleton 7	108.54	410,214	(158,172)	-	-	143,812	-	395,854	16,311	78	49,269	367,136	28,718	8%
09-017	Central Cass 17	918.45	3,471,172	-	-	-	-	-	3,471,172	7,235	823	19,110	3,083,897	387,275	13%
09-080	Page 80	113.89	430,434	(150,466)	-	-	71,136	-	351,104	12,162	83	47,616	329,482	21,621	7%
09-097	Northern Cass	582.43	2,201,224	-	(100,632)	-	-	-	2,100,592	8,327	518	23,211	1,846,439	254,153	14%
10-019	Munich 19	126.98	479,906	(237,307)	-	-	108,403	-	351,002	13,240	82	55,520	358,934	(7,932)	-2%

State Aid Formula Report
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10-023	Langdon Area 23	437.03	1,651,702	(707,027)	-	-	339,642	-	1,284,318	10,902	375	48,166	1,280,256	4,062	0%
11-040	Ellendale 40	415.54	1,570,484	-	-	-	-	-	1,570,484	8,921	345	24,295	1,429,649	140,835	10%
11-041	Oakes 41	539.56	2,039,202	-	-	-	-	-	2,039,202	8,218	477	21,305	1,870,298	168,904	9%
12-001	Divide County 1	333.21	1,259,327	(386,329)	-	-	206,692	-	1,079,690	10,708	244	45,972	994,043	85,648	9%
13-016	Killdeer 16	428.51	1,619,502	-	(5,168)	-	-	-	1,614,334	10,123	366	31,793	1,472,123	142,212	10%
13-019	Halliday 19	35.01	132,316	(132,316)	-	-	100,748	-	100,748	19,547	25	87,619	99,812	936	1%
13-037	Twin Buttes 37	58.46	220,943	-	-	29,319	-	-	250,261	7,279	34	2,937	229,592	20,670	9%
14-002	New Rockford-Sheyenne 2	385.79	1,458,047	-	-	-	-	-	1,458,047	8,247	322	22,491	1,462,039	(3,992)	0%
15-006	Hazelton-Moffit-Braddock 6	180.86	683,539	-	(40,363)	-	-	-	643,176	10,259	131	32,876	605,661	37,516	6%
15-010	Bakker 10	9.15	34,581	(34,581)	-	-	426	(426)	-	23,565	6	186,340	-	-	0%
15-015	Strasburg 15	192.10	726,019	-	-	-	-	-	726,019	9,370	139	24,522	689,190	36,829	5%
15-036	Linton 36	382.45	1,445,424	-	-	54,984	-	-	1,500,407	7,882	310	17,987	1,477,394	23,013	2%
16-049	Carrington 49	615.52	2,326,284	-	-	-	-	-	2,326,284	8,380	545	25,334	2,202,051	124,233	6%
17-003	Beach 3	359.69	1,359,405	(127,634)	-	-	34,240	-	1,266,012	9,472	270	39,645	1,216,790	49,222	4%
17-006	Lone Tree 6	44.34	167,578	(74,905)	-	-	49,501	-	142,173	16,903	32	51,560	125,528	16,645	13%
18-001	Grand Forks 1	7,843.83	29,644,814	-	-	-	-	-	29,644,814	8,636	6,916	24,820	26,950,488	2,694,327	10%
18-044	Larimore 44	509.91	1,927,144	-	-	168,336	-	-	2,095,480	8,180	452	18,729	1,967,991	127,489	6%
18-061	Thompson 61	438.42	1,656,956	-	-	112,849	-	-	1,769,805	8,152	384	19,136	1,641,606	128,199	8%
18-125	Manvel 125	193.58	731,612	-	-	-	-	-	731,612	11,802	132	32,881	652,014	79,599	12%
18-127	Emerado 127	109.64	414,371	-	-	-	-	(13,599)	400,773	13,399	77	29,797	370,847	29,926	8%
18-128	Midway 128	315.57	1,192,659	-	-	-	-	-	1,192,659	10,562	233	28,486	1,084,831	107,828	10%
18-129	Northwood 129	301.12	1,138,047	-	-	-	-	-	1,138,047	10,077	221	26,725	1,038,454	99,593	10%
18-140	Grand Forks AFB 140	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
19-018	Roosevelt 18	146.04	551,941	-	-	-	-	-	551,941	9,661	105	24,338	501,140	50,800	10%
19-049	Elgin-New Leipzig 49	202.05	763,624	-	-	-	-	-	763,624	11,792	143	31,254	724,348	39,275	5%
20-007	Midkota 7	137.46	519,514	(371,696)	-	-	256,198	-	404,016	15,541	98	61,805	413,363	(9,347)	-2%
20-018	Griggs County Central 18	352.48	1,332,156	-	-	-	-	-	1,332,156	9,721	265	24,543	1,253,375	78,781	6%
21-001	Mott-Regent 1	296.51	1,120,624	-	(36,489)	-	-	-	1,084,135	10,622	219	34,340	952,303	131,832	14%
21-009	New England 9	203.45	768,915	(98,853)	-	-	-	-	670,062	12,159	145	39,474	567,102	102,961	18%
22-001	Kidder County 10	506.90	1,915,768	-	-	-	-	-	1,915,768	10,042	384	30,360	1,766,710	149,058	8%
22-014	Robinson 14	27.19	102,761	(102,761)	-	-	66,069	(66,069)	-	36,384	6	221,086	-	-	0%
23-003	Edgeley 3	284.88	1,076,670	-	-	-	-	-	1,076,670	10,649	207	30,165	978,568	98,102	10%
23-007	Kulm 7	131.23	495,968	(367,662)	-	-	197,754	-	326,061	14,678	94	62,717	316,072	9,988	3%
23-008	LaMoure 8	377.40	1,426,338	-	-	-	-	-	1,426,338	8,363	300	22,865	1,288,534	137,804	11%
24-002	Napoleon 2	313.14	1,183,475	-	-	31,229	-	-	1,214,704	8,556	235	19,115	1,091,270	123,434	11%
24-056	Gackle-Streeter 56	144.34	545,516	(273,368)	-	-	47,805	-	319,953	12,202	93	55,774	304,217	15,735	5%

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CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2009-10 State Formula Payment	$ change	% change
25-001	Velva 1	445.32	1,683,034	-	-	-	-	-	1,683,034	7,958	385	21,771	1,527,259	155,774	10%
25-014	Anamoose 14	91.00	343,924	-	-	-	-	-	343,924	12,059	64	32,904	308,291	35,633	12%
25-057	Drake 57	138.49	523,406	(64,505)	-	-	-	-	458,901	11,354	100	39,236	418,169	40,732	10%
25-060	TGU 60	386.89	1,462,204	(72,946)	(9,346)	-	-	-	1,379,913	10,631	315	36,242	1,243,025	136,888	11%
26-004	Zeeland 4	68.46	258,736	(180,489)	-	-	82,801	-	161,048	15,286	43	65,051	156,164	4,884	3%
26-009	Ashley 9	175.41	662,941	-	-	-	-	-	662,941	11,096	126	33,481	550,949	111,992	20%
26-019	Wishek 19	300.36	1,135,175	-	-	-	-	-	1,135,175	8,914	220	21,067	978,089	157,086	16%
27-001	McKenzie Co 1	605.69	2,289,133	-	-	-	-	-	2,289,133	9,148	536	27,924	1,986,309	302,824	15%
27-002	Alexander 2	110.40	417,244	(208,916)	-	-	-	-	208,327	14,197	59	60,228	173,856	34,471	20%
27-014	Yellowstone 14	108.69	410,781	(24,948)	-	-	-	(85,084)	300,748	11,804	73	37,021	244,456	56,292	23%
27-018	Earl 18	8.00	30,235	(30,235)	-	-	568	(568)	-	6,540	5	266,400	-	-	0%
27-032	Horse Creek 32	6.86	25,927	(25,927)	-	-	312	(312)	-	25,415	5	406,425	-	-	0%
27-036	Mandaree 36	281.34	1,063,291	-	-	7,000	156,444	-	1,226,735	7,682	197	13,527	1,103,450	123,285	11%
28-001	Montefiore 1	300.82	1,136,913	-	-	-	-	-	1,136,913	8,814	224	21,619	1,034,418	102,495	10%
28-004	Washburn 4	337.92	1,277,128	-	-	-	-	-	1,277,128	9,567	256	27,843	1,166,025	111,103	10%
28-008	Underwood 8	249.51	942,993	(29,765)	-	-	-	-	913,229	11,585	181	35,755	842,028	71,200	8%
28-050	Max 50	209.14	790,420	-	-	-	-	-	790,420	9,883	150	24,553	722,195	68,225	9%
28-051	Garrison 51	401.96	1,519,160	-	(16,931)	-	-	-	1,502,229	9,537	327	28,979	1,355,253	146,976	11%
28-072	Turtle Lake-Mercer 72	215.74	815,363	(50,012)	-	-	-	-	765,352	11,271	156	36,886	700,619	64,733	9%
28-085	White Shield 85	203.11	767,630	-	-	107,554	-	-	875,184	8,092	126	5,154	817,172	58,012	7%
29-003	Hazen 3	686.90	2,596,056	-	-	559,193	-	-	3,155,249	8,481	616	15,836	3,080,840	74,409	2%
29-027	Beulah 27	762.94	2,883,440	-	-	-	-	-	2,883,440	8,743	688	22,141	2,693,250	190,190	7%
30-001	Mandan 1	3,611.83	13,650,478	-	-	1,772,153	-	-	15,422,631	8,109	3,233	17,781	13,811,150	1,611,480	12%
30-004	Little Heart 4	16.33	61,717	(61,717)	-	-	52,392	(52,392)	-	14,062	12	71,856	-	-	0%
30-007	New Salem 7	380.46	1,437,903	-	-	89,580	-	-	1,527,483	7,769	311	16,803	1,367,579	159,903	12%
30-008	Sims 8	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
30-013	Hebron 13	247.73	936,266	-	(13,682)	-	-	-	922,584	9,373	175	24,157	812,387	110,196	14%
30-017	Sweet Briar 17	10.86	41,044	(27,146)	-	-	17,622	-	31,520	11,899	8	58,757	29,925	1,595	5%
30-039	Flasher 39	278.44	1,052,331	-	-	168,661	-	-	1,220,992	8,991	204	16,285	1,097,299	123,692	11%
30-048	Glen Ullin 48	195.89	740,343	-	-	-	-	-	740,343	11,004	141	33,257	682,626	57,717	8%
31-001	New Town 1	850.25	3,213,418	-	-	686,253	-	-	3,899,671	7,552	729	10,088	3,485,664	414,007	12%
31-002	Stanley 2	458.29	1,732,052	-	-	-	-	-	1,732,052	8,475	405	20,992	1,521,616	210,436	14%
31-003	Parshall 3	359.79	1,359,783	-	(9,581)	8,966	-	-	1,359,167	9,042	276	20,158	1,185,241	173,926	15%
32-001	Dakota Prairie 1	359.27	1,357,818	(100,278)	(9,888)	-	-	-	1,247,651	11,620	264	37,306	1,071,595	176,056	16%
32-066	Lakota 66	284.40	1,074,856	-	-	-	-	-	1,074,856	9,707	207	24,244	948,847	126,009	13%
33-001	Center-Stanton 1	276.87	1,046,397	(45,210)	-	-	39,980	-	1,041,167	11,864	205	36,162	990,351	50,816	5%

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CoDist	Dname	wsu	Total Formula Payment	High Valuation Offset	Transition Maximum	Equity Payment	Transition Minimum	EFB Offset	State Formula Payment	Total State/Local $ Per ADM	ADM	Imputed TaxValPP	2009-10 State Formula Payment	$ change	% change
34-006	Cavalier 6	487.73	1,843,317	-	-	-	-	-	1,843,317	8,384	424	21,527	1,692,075	151,242	9%
34-012	Valley 12	211.20	798,205	-	-	-	-	-	798,205	10,208	153	25,285	733,926	64,279	9%
34-019	Drayton 19	174.33	658,859	(186,314)	-	-	-	-	472,545	13,218	126	45,228	452,780	19,765	4%
34-043	St Thomas 43	125.83	475,559	(19,654)	-	-	-	-	455,906	12,616	90	36,142	424,110	31,796	7%
34-100	North Border 100	587.80	2,221,520	-	(73,269)	-	-	-	2,148,250	10,302	441	29,342	1,948,351	199,899	10%
35-001	Wolford 1	80.16	302,955	(13,693)	-	-	-	-	289,262	13,842	47	36,667	270,931	18,331	7%
35-005	Rugby 5	624.58	2,360,525	-	-	39,233	-	-	2,399,758	8,119	554	20,361	2,211,115	188,643	9%
36-001	Devils Lake 1	1,853.32	7,004,401	-	-	2,250,549	-	-	9,254,950	8,178	1,636	13,308	8,715,427	539,522	6%
36-002	Edmore 2	101.29	382,813	(338,066)	-	-	132,675	-	177,423	12,509	74	67,436	174,546	2,877	2%
36-044	Starkweather 44	128.60	486,028	(1,261)	-	-	-	-	484,767	11,804	85	34,680	442,325	42,442	10%
37-006	Ft Ransom 6	33.03	124,833	(31,518)	-	-	3,406	-	96,721	14,453	24	43,940	94,342	2,379	3%
37-019	Lisbon 19	710.40	2,684,872	-	-	568,352	-	-	3,253,223	8,103	634	15,894	3,116,576	136,647	4%
37-024	Enderlin Area 24	366.39	1,384,727	-	-	-	-	-	1,384,727	9,217	295	27,244	1,279,778	104,949	8%
38-001	Mohall-Lansford-Sherwood 1	427.14	1,614,324	-	(66,766)	-	-	-	1,547,558	10,591	341	34,319	1,481,911	65,647	4%
38-026	Glenburn 26	336.44	1,271,535	-	-	58,479	-	-	1,330,014	9,089	253	19,496	1,166,157	163,857	14%
39-008	Hankinson 8	384.43	1,452,907	-	(16,315)	-	-	-	1,436,592	8,837	308	22,998	1,298,479	138,112	11%
39-018	Fairmount 18	163.78	618,987	(37,525)	(58,296)	-	-	-	523,166	11,436	116	36,896	478,146	45,020	9%
39-028	Lidgerwood 28	260.25	983,584	-	-	-	-	-	983,584	9,300	190	21,609	902,093	81,490	9%
39-037	Wahpeton 37	1,341.32	5,069,358	-	-	293,657	-	-	5,363,015	8,164	1,183	19,402	5,124,850	238,165	5%
39-042	Wyndmere 42	283.53	1,071,568	-	(25,039)	-	-	-	1,046,529	10,644	207	34,182	950,611	95,918	10%
39-044	Richland 44	364.46	1,377,433	-	-	-	-	-	1,377,433	8,914	287	22,193	1,258,232	119,201	9%
40-001	Dunseith 1	672.27	2,540,764	-	-	481,877	-	-	3,022,641	5,816	565	2,874	2,750,044	272,596	10%
40-003	St John 3	390.03	1,474,072	-	-	260,825	-	-	1,734,897	6,132	306	2,841	1,578,587	156,310	10%
40-004	Mt Pleasant 4	315.85	1,193,717	-	-	74,080	-	-	1,267,797	8,774	235	18,501	1,154,997	112,800	10%
40-007	Belcourt 7	1,893.60	7,156,634	-	-	1,384,562	-	-	8,541,196	5,261	1,624	264	7,855,143	686,053	9%
40-029	Rolette 29	201.78	762,603	-	-	-	-	-	762,603	9,368	144	21,186	694,628	67,975	10%
41-002	Milnor 2	355.95	1,345,270	-	-	303,912	-	-	1,649,182	8,918	268	14,605	1,490,600	158,582	11%
41-003	N Sargent 3	312.20	1,179,922	-	-	260,347	-	-	1,440,270	8,660	233	13,912	1,304,862	135,407	10%
41-006	Sargent Central 6	325.18	1,228,979	-	(76,082)	-	-	-	1,152,896	10,932	243	32,786	1,018,000	134,896	13%
42-016	Goodrich 16	52.23	197,397	(67,507)	-	-	28,061	-	157,951	13,184	38	47,444	150,355	7,596	5%
42-019	McClusky 19	161.43	610,105	-	(18,970)	-	-	-	591,136	9,821	114	24,953	446,738	144,398	32%
43-003	Solen 3	264.88	1,001,082	-	-	296,208	-	-	1,297,290	8,759	182	8,801	1,103,906	193,384	18%
43-004	Ft Yates 4	336.18	1,270,552	-	-	182,096	-	-	1,452,648	7,246	214	2,396	1,260,183	192,465	15%
43-008	Selfridge 8	77.40	292,524	-	-	-	-	-	292,524	10,247	54	26,216	247,209	45,315	18%
44-012	Mamarth 12	15.85	59,903	(59,903)	-	-	721	(721)	-	13,482	12	245,277	-	-	0%
44-032	Central Elementary 32	4.46	16,856	(16,856)	-	-	184	(184)	-	33,624	3	969,984	-	-	0%

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45-001	Dickinson 1	2,759.62	10,429,653	-	-	433,295	-	-	10,862,947	8,150	2,463	19,792	10,063,425	799,522	8%
45-009	South Heart 9	310.54	1,173,649	-	-	-	-	-	1,173,649	8,363	230	19,393	1,063,934	109,715	10%
45-013	Belfield 13	301.71	1,140,277	-	-	326,364	-	-	1,466,641	9,258	221	12,768	1,387,849	78,792	6%
45-034	Richardton-Taylor 34	326.81	1,235,139	-	-	-	-	-	1,235,139	10,080	242	25,599	1,142,113	93,026	8%
46-010	Hope 10	147.25	556,514	(26,439)	(6,742)	-	-	-	523,332	11,135	108	36,336	485,619	37,713	8%
46-019	Finley-Sharon 19	228.23	862,568	-	(28,335)	-	-	-	834,233	10,349	165	28,567	743,997	90,236	12%
47-001	Jamestown 1	2,414.64	9,125,842	-	-	1,501,947	-	-	10,627,789	8,210	2,151	16,969	10,006,436	621,352	6%
47-003	Medina 3	219.44	829,347	-	-	-	-	-	829,347	10,179	157	25,688	757,764	71,583	9%
47-010	Pingree-Buchanan	200.69	758,484	-	-	-	-	-	758,484	9,578	145	24,403	693,773	64,710	9%
47-014	Montpelier 14	136.60	516,263	-	-	-	-	-	516,263	10,716	99	29,059	474,851	41,412	9%
47-019	Kensal 19	73.65	278,351	(170,345)	-	-	47,211	-	155,218	15,103	44	62,532	152,004	3,214	2%
48-010	North Star 10	347.70	1,314,090	-	-	-	-	-	1,314,090	10,103	252	30,904	1,187,196	126,895	11%
48-028	North Central 28	89.65	338,821	(268,059)	-	-	172,045	-	242,807	16,557	52	71,776	239,154	3,654	2%
49-003	Central Valley 3	297.97	1,126,142	-	(34,159)	-	-	-	1,091,983	9,934	223	31,478	1,003,265	88,718	9%
49-007	Hatton 7	287.94	1,088,235	-	-	-	-	-	1,088,235	9,645	210	21,962	998,336	89,899	9%
49-009	Hillsboro 9	457.92	1,730,654	-	(18,147)	-	-	-	1,712,506	8,987	405	25,727	1,573,374	139,132	9%
49-014	May-Port CG 14	599.68	2,266,419	-	-	-	-	-	2,266,419	8,536	532	22,814	2,108,271	158,148	8%
50-003	Grafton 3	998.88	3,775,147	-	-	1,340,979	-	-	5,116,126	8,271	856	12,275	4,934,231	181,894	4%
50-005	Fordville-Lankin 5	114.88	434,175	(25,411)	-	-	-	-	408,764	11,029	83	36,778	392,741	16,023	4%
50-020	Minto 20	288.91	1,091,901	-	-	40,333	-	-	1,132,234	9,068	213	19,718	1,072,040	60,195	6%
50-051	Nash 51	12.03	45,466	(45,466)	-	-	35,738	-	35,738	24,786	9	104,243	34,480	1,258	4%
50-078	Park River 78	469.33	1,773,776	-	-	408,486	-	-	2,182,263	8,222	410	15,363	2,095,847	86,416	4%
50-105	Edinburg 106	136.61	516,301	-	-	1,578	-	-	517,879	9,166	99	20,657	493,239	24,640	5%
50-128	Adams 128	75.85	286,666	(24,743)	-	-	16,161	-	278,084	11,518	55	37,837	269,283	8,800	3%
51-001	Minot 1	7,429.85	28,080,226	-	-	-	-	-	28,080,226	7,427	6,603	21,200	25,003,955	3,076,272	12%
51-004	Nedrose 4	252.04	952,555	(53,356)	-	-	-	-	899,199	11,688	193	36,568	768,660	130,539	17%
51-007	United 7	623.20	2,355,310	-	-	409,010	-	-	2,764,319	7,959	549	16,072	2,501,543	262,777	11%
51-016	Sawyer 16	176.79	668,157	-	-	-	-	-	668,157	10,365	127	26,394	602,969	65,188	11%
51-019	Eureka 19	10.73	40,553	(40,553)	-	-	16,779	-	16,779	23,981	8	141,030	16,123	656	4%
51-028	Kenmare 28	359.60	1,359,065	-	(52,703)	-	-	-	1,306,362	9,835	277	27,914	1,157,611	148,751	13%
51-041	Surrey 41	407.33	1,539,455	-	-	564,639	-	-	2,104,094	8,543	341	11,806	1,938,949	165,145	9%
51-070	S Prairie 70	196.06	740,985	(67,091)	-	-	-	-	673,894	10,599	150	37,789	597,035	76,859	13%
51-160	Minot AFB 160	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
51-161	Lewis and Clark 161	420.67	1,589,872	-	(15,981)	-	-	-	1,573,891	9,590	357	28,847	1,397,058	176,833	13%
52-025	Fessenden-Bowdon 25	193.26	730,403	(465,140)	-	-	225,285	-	490,548	12,727	139	58,711	481,867	8,681	2%
52-035	Pleasant Valley 3	16.14	60,999	(60,999)	-	-	33,598	-	33,598	21,094	12	97,612	30,335	3,262	11%

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52-038	Harvey 38	466.42	1,762,778	-	-	-	-	-	1,762,778	8,504	411	22,943	1,580,955	181,823	12%
53-001	Williston 1	2,504.53	9,465,571	-	-	2,493,862	-	-	11,959,433	8,372	2,219	14,668	10,834,768	1,124,664	10%
53-002	Nesson 2	227.01	857,957	-	(447)	-	-	-	857,510	11,187	165	33,053	756,552	100,958	13%
53-006	Eight Mile 6	280.69	1,060,834	-	-	218,231	-	-	1,279,065	9,091	195	13,355	1,156,481	122,584	11%
53-008	New 8	234.69	886,983	(433,664)	-	-	120,413	-	573,733	11,141	212	49,302	534,941	38,792	7%
53-015	Tioga 15	344.90	1,303,508	-	-	-	-	-	1,303,508	9,773	263	29,832	1,165,991	137,517	12%
53-099	Grenora 99	144.24	545,138	(242,188)	-	-	46,173	-	349,123	15,066	81	56,125	327,699	21,424	7%
	Statewide	111,363.88	420,886,421	(9,914,649)	(774,389)	19,335,550	3,990,170	(302,360)	433,220,743	8,951	94,285	25,191	392,273,762	40,946,981	10%
	Counts			65	26	42	47	11							

Impact of weighting factor changes

		Current Factor	New Factor	*ADM	Current wsu	new wsu	wsu change	Current Effective Per Student	New Effective Per Student	Incr
1e	Alt Ed Factor	0.25	0.30	714.66	178.67	214.40	35.73	831.25	997.50	20%
1f	**Sped	0.067	0.08	94,574.34	6,336.48	7,565.95	1,229.47	1,768.06	2,111.11	19%
1j	New Immigrant	0.14	0.20	357.53	50.05	71.51	21.45	465.50	665.00	43%
1l	Ell	0.02	0.10	3,426.54	68.53	342.65	274.12	66.50	332.50	400%

6,633.73	8,194.51	1,560.77
School District Size Impact Effect		1.05
	Estimated ai	1,638.81
Current School Year Payment Rate		3,325
Current Year Impact		**5,449,053.69**
Year 1	1.05	5,721,506.38
Year 2	1.10	5,993,959.06
	2009-11 Impact	11,715,465.44

NOTES:

*ADM Data is from current payment year @ estimates at April

**The special education distribution is based on total student ADM. The statewide special education incident rate has averaged 12.6%. The effective rate is converted to a per special education student basis for comparison purposes.

The impact on the current year would be $5.5 million. The fiscal impact will vary with changes in the per student rates.

3/16/09 SB 1400

				District Totals			Per Student Totals		
CoDist	District Name	K-12 Enrollment Fall 2008-09	Title I 2008-09	Supplemental Tille I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
01-013	Hettinger 13	279	68,477	56,630	176,912	233,543	203	634	837
02-002	Valley City 2	1,080	309,274	255,769	799,018	1,054,788	237	740	977
02-007	North 7	297	155,427	128,538	401,550	530,088	433	1,352	1,785
02-046	Marion 46	135	54,789	45,310	141,549	186,859	336	1,049	1,384
03-005	Minnewaukan 5	211	279,932	231,503	723,213	954,716	1,097	3,428	4,525
03-006	Leeds 6	147	60,387	49,940	156,012	205,952	340	1,061	1,401
03-009	Maddock 9	173	73,394	60,697	189,616	250,312	351	1,096	1,447
03-016	Oberon 16	62	67,260	55,624	173,768	229,392	897	2,803	3,700
03-029	Warwick 29	231	396,911	328,245	1,025,431	1,353,676	1,421	4,439	5,860
03-030	Ft Totten 30	149	872,591	721,631	2,254,364	2,975,996	4,843	15,130	19,973
04-001	Billings Co 1	42	1,886	1,560	4,873	6,432	37	116	153
05-001	Bottineau 1	649	207,348	171,476	535,690	707,166	264	825	1,090
05-017	Westhope 17	131	43,724	36,160	112,962	149,122	276	862	1,138
05-054	United 54	72	23,354	19,314	60,336	79,649	268	838	1,107
06-001	Bowman Co 1	420	73,707	60,956	190,424	251,380	145	453	598
06-033	Scranton 33	139	50,339	41,630	130,052	171,683	299	936	1,235
07-014	Bowbells 14	64	0	0	0	0	0	0	0
07-027	27	97	35,173	29,088	90,870	119,958	300	937	1,237
07-036	36	81	25,647	21,210	66,260	87,470	262	818	1,080
08-001	Bismarck 1	10,694	2,355,766	1,948,215	6,086,191	8,034,405	182	569	751
08-025	Naughton 25	3	0	0	0	0	0	0	0
08-028	Wing 28	97	39,143	32,371	101,127	133,498	334	1,043	1,376
08-029	Baldwin 29	*12*	0	0	0	0	0	0	0
08-033	Menoken 33	20	0	0	0	0	0	0	0
08-035	Sterling 35	22	0	0	0	0	0	0	0
08-039	Apple Creek 39	*64*	0	0	0	0	0	0	0
08-045	Manning 45	6	0	0	0	0	0	0	0
09-001	Fargo 1	10,449	2,946,035	2,436,366	7,611,168	10,047,534	233	729	961
09-002	Kindred 2	669	76,920	63,613	198,725	262,338	95	297	392
09-004	Maple Valley 4	248	89,085	73,673	230,154	303,827	297	928	1,225
09-006	West Fargo 6	6,567	1,076,149	889,974	2,780,263	3,670,236	136	423	559
09-007	Mapleton 7	77	0	0	0	0	0	0	0

Attachment 8

EXECUTIVE DIRECTOR SOUNDS OFF

There has been significant progress made on understanding just how ARRA Stimulus Funds can be used by the states. On April 1, the Department of Education (DOE) issued documents for "Guidance on the State Fiscal Stabilization Fund Programs (SFSF)." These guidelines are very helpful in understanding just how ARRA Stabilization funds may be used and are well worth taking the time to read. Some of the clarifications on the use of ARRA Stimulus funds provided by these guidelines include:

- A clear explanation of the steps a state must take in restoring levels of state support (page 14);
- That ND does not meet any of the first three steps and therefore is to "Award all funds that remain after completing Steps One, Two, and Three to LEAs on the basis of their Title I, Part A shares;"
- That once the "restoration amounts" for each LEA is determined to get via the Title I formulae the funds can be released;
- That funds may be released in phases in order to avoid a "funding cliff" in September of 2011;
- That LEAs have flexibility in determining when to use their stabilization funds, as long as the funds are obligated by September 30, 2011 and expended by December 30, 2011;
- That LEAs must submit an application in order to receive funds and must include basic compliance with section 427 of the General Education Provisions Act (GEPA) as outlined in the Education Department General Administrative Regulations (EDGAR);
- **It is currently assumed that procedures used for completing a district's Consolidated Application will be followed as the application process for ARRA Supplemental and Stabilization Funds. The NDDPI is working on application forms which should be out in the next week;**
- That ARRA authorizes an LEA to use Education Stabilization funds for any activity that is authorized under the following Federal education acts:
  - The Elementary and Secondary Education Act of 1965 (ESEA);
  - The Individuals with Disabilities Education Act (IDEA);
  - The Adult Education and Family Literacy Act (AEFLA); or
  - The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act);
- That the ARRA also provides that, to the extent consistent with State law, an LEA may use Education Stabilization funds for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system; and
- That LEAs have considerable flexibility in determining how best to use Education Stabilization funds and may use these funds for, among other things, activities that are authorized under the ESEA;
- That because the ESEA includes the broad Impact Aid authority (*see* Title VIII of the ESEA), an LEA may use Education Stabilization funds for activities that would be allowable under Impact Aid. This flexibility applies to all LEAs that receive Education Stabilization funds, and is not limited to those LEAs that also receive Impact Aid funds;
- **That an LEA may consider Education Stabilization funds to be available for any activity authorized under Impact Aid which means the funds may be used to support both current expenditures and other expenses such as capital expenditures. These included activities such as:**
  - **Paying the salaries of administrators, teachers and support staff (we don't recommend this!);**
  - **Purchasing textbooks, computers, and other equipment;**
  - **Supporting programs designed to address the educational needs of children at risk of academic failure, limited English proficient students, children with disabilities, and gifted students; and**
  - **Meeting the general expenses of the LEA.**
- That all funds appropriated under the ARRA (including Education Stabilization funds that an LEA uses for activities authorized under Title VIII of the ESEA) will be subject to stringent reporting requirements, which is in contrast to the minimal reporting requirements in place for funds appropriated under Title VIII of the ESEA (Impact Aid).

The NDDPI is currently working to develop the final allocations each district will receive in ARRA SFSF Stabilization funds as well as procedures for applying for those funds. These guidelines, according to NDDPI, should be available at the end of April or in early May. Here are a few tips for you to consider as you prepare for completing requests for these funds:

- Any school district that receives Title I funds will receive a share of the Education Stabilization Funds based on its Title I share;
- DOE will act on each (state) application received within two weeks for approval of the application in order to make these funds available quickly to states;
- The ARRA Stabilization Funds will require that you use the same consolidated application process that is used for Title I funds:
    - An application will need to be submitted the NDDPI;
    - The application will need to be approved by the NDDPI;
    - Once the application is approved you'll need to request reimbursement funds for expenditures made – just like what is done for Title I funds;
- The anticipated timeline on the availability of the application is early summer.
- ARRA Stabilization funds may be used as if they are Impact Aid Funds – which gives significant flexibility for their use.
- There will be many requests for building renovation, modernization, and repairs – keep in mind that you must have funds obligated by 9/30/2011 and spent by 12/30/2011; shovel- ready plans will be approved more quickly;
- You may use funds for commitments made prior to receiving approval as far back as February – but check with NDDPI for actual dates;
- New construction is allowable but will need follow all state guidelines and hearing procedures before being approved;
- There will be a lot of requests for building modernization, renovation – and consequently a lot of competition for contracts to complete the work. You may want to consider uses other than building issues for the money (technology, curriculum, etc.) which will easily ensure your being able to meet deadline dates for fund expenditures;
- Plan on a LOT of PAPER WORK! You will need to keep a separate accounting system for both the ARRA stabilization funds and the Title I supplemental funds as well as track and report (both to DPI and on a local basis) just exactly how these funds are being used and how they are helping to stimulate the economy in your districts.
- A good rule of thumb to follow for the use of these funds is "if you wouldn't want how your district used these funds on the front page of your local newspaper – it's probably not an appropriate use of the funds!"

In addition to the Department Of Education (DOE) Guidelines for SFSF Stabilization, the NDDPI Title I department just recently (April 9) released the guidelines for accessing Title I ARRA Supplemental funds as well as the allocations for eligible districts. All school districts should have received an email for the DPI Title office which provides the district allocations for the estimated FY 2009 Title I funds along with the final ARRA Title I Supplemental funds http://www.dpi.state.nd.us/grants/Public09_10.pdf as well as information on the supplemental funds which include:

- An IVN training session May 4th to provide instruction in completing the Title I ARRA consolidated application;
- A Title I web page containing specific stimulus guidance documents, recommended uses of funds and other useful documents we recommend you view as you plan and budget these dollars http://www.dpi.state.nd.us/title1/Legislative/index.shtm;
- The anticipated opening of Title I ARRA application for data entry on May 5, 2009;
- Application completion and submission deadline date of July 1, 2009;
- A reminder that ALL Title I regulations apply to the ARRA funds as well and the regular FY 2009 funds;
- The STARS system showing the full grant amount award for Title I ARRA funds;

- That only 50% of the Title I ARRA funds will be available for expenditures immediately following approval of your Title I ARRA consolidated application; and
- The remaining 50% will be available for expenditures on October 1, 2009.

The ARRA Stimulus Funds provide a one-time opportunity for most North Dakota schools to make up for many upgrades to infrastructure, curriculum, and programs. These funds, through thoughtful and careful planning will help make for better learning environments and enhance the education opportunities for our students for many years to come. Please take the time to carefully plan just exactly how your district can get the best "bang for the buck" for enhancing the academic and learning opportunities for our kids in North Dakota.

ESTIMATED ALLOCATIONS FOR NORTH DAKOTA SCHOOL DISTRICTS FOR SCHOOL YEARS 2009-10 AND 2010-11 RESULTING FROM FEDERAL ECONOMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Tille I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
Adams 128	*56*	0	0	0	0	0	0	0
Alexander 2	*56*	*0*	*0*	*0*	*0*	*0*	*0*	0
Apple Creek 39	*64*	*0*	*0*	*0*	*0*	*0*	*0*	0
Bakker 10	*8*	*0*	*0*	*0*	*0*	*0*	*0*	0
Baldwin 29	*12*	*0*	*0*	*0*	*0*	*0*	*0*	0
Bowbells 14	64	0	0	0	0	0	0	0
Central Elem 32	3	0	0	0	0	0	0	0
Eureka 19	8	0	0	0	0	0	0	0
Ft Ransom 6	25	0	0	0	0	0	0	0
Halliday 19	26	0	0	0	0	0	0	0
Hope 10	112	0	0	0	0	0	0	0
Horse Creek 32	5	0	0	0	0	0	0	0
Little Heart 4	12	0	0	0	0	0	0	0
Lone Tree 6	30	0	0	0	0	0	0	0
Manning 45	6	0	0	0	0	0	0	0
Mapleton 7	77	0	0	0	0	0	0	0
Marmarth 12	12	0	0	0	0	0	0	0
Menoken 33	20	0	0	0	0	0	0	0
Nash 51	9	0	0	0	0	0	0	0
Nash 51	9	0	0	0	0	0	0	0
Naughton 25	3	0	0	0	0	0	0	0
Pleasant Valley 3	11	0	0	0	0	0	0	0
Robinson 14	7	0	0	0	0	0	0	0
Sterling 35	22	0	0	0	0	0	0	0
Sweet Briar 17	8	0	0	0	0	0	0	0
Yellowstone 14	45	0	0	0	0	0	0	0
Billings Co 1	42	1,886	1,560	4,873	6,432	37	116	153
Thompson 61	391	19,684	16,279	50,854	67,133	42	130	172
Kindred 2	669	76,920	63,613	198,725	262,338	95	297	392
Hazen 3	625	82,871	68,534	214,100	282,634	110	343	453
Central Cass 17	799	106,559	88,124	275,298	363,422	110	345	455

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ESTIMATED ALLOCATIONS FOR NORTH DAKOTA SCHOOL DISTRICTS FOR SCHOOL YEARS 2009-10 AND 2010-11 RESULTING FROM FEDERAL ECONOMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
North Sargent 3	232	34,853	28,823	90,044	118,867	124	388	512
Northern Cass 97	512	78,389	64,828	202,520	267,348	127	396	523
Oakes 41	488	76,844	63,550	198,529	262,079	130	407	537
West Fargo 6	6,567	1,076,149	889,974	2,780,263	3,670,236	136	423	559
Central Valley 3	226	37,053	30,643	95,728	126,370	136	424	560
Beulah 27	708	116,733	96,538	301,583	398,121	136	426	562
Bowman Co 1	420	73,707	60,956	190,424	251,380	145	453	598
Nesson 2	164	31,954	26,426	82,554	108,980	161	503	664
Richland 44	296	57,996	47,963	149,834	197,797	162	506	668
Washburn 4	260	52,190	43,161	134,834	177,995	166	519	685
Killdeer 16	377	76,614	63,360	197,935	261,294	168	525	693
McKenzie Co 1	520	113,586	93,935	293,453	387,388	181	564	745
United 7	539	118,585	98,070	306,368	404,437	182	568	750
Bismarck 1	10,694	2,355,766	1,948,215	6,086,191	8,034,405	182	569	751
Lewis and Clark 161	357	80,262	66,377	207,359	273,736	186	581	767
Tioga 15	261	59,330	49,066	153,281	202,347	188	587	775
Cenler-Stanton 1	208	47,693	39,442	123,216	162,658	190	592	782
Larimore 44	461	107,905	89,237	278,776	368,013	194	605	799
Napoleon 2	235	55,751	46,106	144,034	190,140	196	613	809
Lisbon 19	643	153,686	127,098	397,052	524,150	198	617	815
Hillsboro 9	406	97,986	81,034	253,150	334,184	200	624	824
Hettinger 13	279	68,477	56,630	176,912	233,543	203	634	837
Hatton 7	216	53,759	44,459	138,888	183,347	206	643	849
Carrington 49	573	143,146	118,382	369,822	488,203	207	645	852
New Salem 7	309	78,821	65,185	203,636	268,821	211	659	870
Cavalier 6	417	106,723	88,260	275,722	363,982	212	661	873
Kenmare 28	276	71,033	58,744	183,516	242,260	213	665	878
Pingree-Buchanan 10	148	39,228	32,441	101,347	133,788	219	685	904
Wyndmere 42	213	56,539	46,758	146,070	192,828	220	686	906
May-Port CG 14	548	146,891	121,479	379,497	500,976	222	693	915
Wahpeton 37	1,208	325,592	269,264	841,176	1,110,441	223	696	919
Lidgerwood 28	195	54,125	44,761	139,834	184,595	230	717	947

ESTIMATED ALLOCATIONS FOR NO[illegible] DAKOTA SCHOOL DISTRICTS
FOR SCHOOL YEAR[illegible]10 AND 2010-11
RESULTING FROM FEDERAL E[illegible]OMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Tille I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
Fargo 1	10,449	2,946,035	2,436,366	7,611,168	10,047,534	233	728	961
Souih Heart 9	233	65,777	54,397	169,937	224,334	233	729	962
Sargent Central 6	242	68,649	56,773	177,357	234,129	235	733	968
Valley City 2	1,080	309,274	255,769	799,018	1,054,788	237	740	977
Linton 36	329	94,780	78,383	244,867	323,250	238	744	982
New 8	206	59,568	49,263	153,896	203,158	239	747	986
Surrey 41	339	98,367	81,349	254,134	335,483	240	750	990
Montefiore 1	227	66,264	54,800	171,195	225,995	241	754	995
Mandan 1	3,143	917,544	758,807	2,370,502	3,129,309	241	754	995
Mohall-Lansford/Sheldon	327	95,537	79,009	246,823	325,832	242	755	997
Milnor	266	77,985	64,493	201,477	265,970	242	757	999
Stanley 2	395	115,902	95,851	299,436	395,287	243	758	1,001
Underwood 8	184	55,015	45,497	142,133	187,630	247	772	1,019
Finley-Sharon 19	166	50,563	41,816	130,631	172,447	252	787	1,039
Dickinson 1	2,467	757,183	626,189	1,956,204	2,582,394	254	793	1,047
Minot 1	6,451	1,981,991	1,639,104	5,120,532	6,759,635	254	794	1,048
Lakota 66	204	62,755	51,898	162,129	214,028	254	795	1,049
Harvey 38	412	126,776	104,844	327,530	432.373	254	795	1,049
Burke Central 36	81	25,647	21,210	66,260	87,470	262	818	1,080
Hankinson 8	305	96,920	80,153	250,396	330,548	263	821	1,084
Bottineau 1	649	207,348	171,476	535,690	707,166	264	825	1,089
New England 9	143	45,711	37,803	118,096	155,899	264	826	1,090
Edinburg 106	102	32,799	27,125	84,737	111,862	266	831	1,097
Newburg-United 54	72	23.354	19,314	60,336	79,649	268	838	1,106
Valley 12	157	50,948	42,134	131,626	173,760	268	838	1,106
Glen Ullin 48	140	45,722	37,812	118,124	155,936	270	844	1,114
Rugby 5	561	183,721	151,937	474,649	626,586	271	846	1,117
Williston 1	2,184	720,813	596,111	1,862,242	2,458,353	273	853	1,126
Glenburn 26	248	81,959	67,780	211,743	279,523	273	854	1,127
Hazelton-Mofitt	138	45,767	37,849	118,240	156,090	274	857	1,131
North Star 10	249	83,069	68,698	214,611	283,309	276	862	1,138
Westhope 17	131	43,724	36,160	112,962	149,122	276	862	1,138
Norther Border 100	452	150,988	124,867	390,082	514,949	276	863	1,139

ESTIMATED ALLOCATIONS FOR NORTH DAKOTA SCHOOL DISTRICTS
FOR SCHOOL YEAR[illegible]9-10 AND 2010-11
RESULTING FROM FEDERAL [illegible]NOMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
Jamestown 1	2,166	726.257	600,613	1,876,306	2,476,920	277	866	1,143
New Rockford-Sheyenne 2	353	118,471	97,975	306,073	404,049	278	867	1,145
Mott-Regent 1	217	73,020	60,387	188,649	249,037	278	869	1,147
Belfield 13	217	73,507	60,790	189,907	250,698	280	875	1,155
Enderlin Area 24	304	104,822	86,688	270,811	357,498	285	891	1,176
Drayton 19	129	44,974	37,193	116,192	153,385	288	901	1,189
Wishek 19	211	73,656	60,913	190,292	251,206	289	902	1,191
Divide County 1	228	80,050	66,201	206,812	273,013	290	907	1,197
Grenora 99	72	25,631	21,197	66,218	87,415	294	920	1,214
Minto 20	219	77,968	64,479	201,433	265,912	294	920	1,214
Starkweather 44	84	29,975	24,789	77,441	102,231	295	922	1,217
Maple Valley 4	248	89,085	73,673	230,154	303,827	297	928	1,225
Grand Forks 1	6,979	2,509,205	2,075,109	6,482,605	8,557,713	297	929	1,226
Scranton 33	139	50,339	41,630	130,052	171,683	299	936	1,235
Powers Lake 27	97	35,173	29,088	90,870	119,958	300	937	1,237
Park River 78	418	152,285	125,939	393,433	519,372	301	941	1,242
Edgeley 3	210	76,926	63,618	198,741	262,358	303	946	1,249
Garrison 51	327	121,558	100,528	314,049	414,577	307	960	1,267
Velva 1	390	144,985	119,902	374,573	494,475	307	960	1,267
Montpelier 14	101	37,817	31,275	97,101	128,976	310	967	1,277
Eight Mile 6	194	73,193	60,530	189,096	249,627	312	975	1,287
Turtle Lake-Mercer 72	158	60,000	49,620	155,012	204,632	314	981	1,295
Langdon Area 23	391	148,183	123,043	384,385	507,429	315	983	1,298
Ellendale 40	349	132,852	109,868	343,227	453,095	315	983	1,298
Ashley 9	120	46,600	38,538	120,392	158,931	321	1,003	1,324
Wing 28	97	39,143	32,371	101,127	133,498	334	1,043	1,377
Litchville-Marion 46	135	54,789	45,310	141,549	186,859	336	1,049	1,385
Manvel 125	132	53,932	44,602	139,335	183,937	338	1,056	1,394
Leeds 6	147	60,387	49,940	156,012	205,952	340	1,061	1,401
Maddock 9	173	73,394	60,697	189,616	250,312	351	1,096	1,447
Flasher 39	203	86,217	71,301	222,744	294,045	351	1,097	1,448
Munich 19	88	38,031	31,452	98,254	129,706	357	1,117	1,474

ESTIMATED ALLOCATIONS FOR NORTH DAKOTA SCHOOL DISTRICTS FOR SCHOOL YEARS 2009-10 AND 2010-11 RESULTING FROM FEDERAL ECONOMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Tille I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I • Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
South Prairie 70	148	64,900	53,672	167,671	221,343	363	1,133	1,496
North Central 28	52	22,816	18,869	58,946	77,815	363	1,134	1,497
Max 50	152	68,452	56,610	176,848	233,457	372	1,163	1,535
Devils Lake 1	1,640	742,065	613,687	1,917,147	2,530,833	374	1,169	1,543
Kulm 7	96	45,353	37,507	117,171	154,678	391	1,221	1,612
LaMoure 8	307	145,290	120,155	375,361	495,516	391	1,223	1,614
Sawyer 16	127	60,116	49,716	155,311	205,027	391	1,223	1,614
Nedrose 4	190	92,046	76,122	237,804	313,925	401	1,252	1,653
Fairmount 18	120	58,338	48,245	150,718	198,963	402	1,256	1,658
TGU 60	319	155,859	128,895	402,666	531,561	404	1,262	1,666
Fessenden-Bowdon 25	143	70,401	58,222	181,883	240,105	407	1,272	1,679
Kidder Co 1	393	193,724	160,209	500,492	660,701	408	1,274	1,682
MI Pleasant 4	237	117,034	96,787	302,361	399,148	408	1,276	1,684
Medina 3	157	78,327	64,776	202,360	267,136	413	1,289	1,702
Northwood 129	225	113,415	93,794	293,011	386,805	417	1,302	1,719
Griggs County Central 18	286	147,851	122,273	381,977	504,250	428	1,336	1,764
McClusky 19	99	51,265	42,396	132,445	174,841	428	1,338	1,766
Beach 3	272	141,701	117,187	366,089	483,275	431	1,346	1,777
Barnes Co North 7	297	155,427	128,538	401,550	530,088	433	1,352	1,785
Grafton 3	864	454,976	376,264	1,175,444	1,551,708	435	1,360	1,795
Richardlon- Taylor 34	243	128,723	106,454	332,560	439,013	438	1,369	1,807
Kensal 19	45	23,839	19,715	61,589	81,304	438	1,369	1,807
Midkota 7	106	56,775	46,953	146,680	193,633	443	1384	1,827
Strasburg 15	146	80,174	66,304	207,132	273,436	454	1,419	1,873
Anamoose 14	65	36,825	30,454	95,138	125,593	469	1,464	1,933
Hebron 13	174	103,306	85,434	266,894	352,328	491	1,534	2,025
Midway 128	237	143,675	118,819	371,189	490,008	501	1,566	2,067
Dakota Prairie 1	258	158,877	131,391	410,463	541,854	509	1,591	2,100
Gackle-Streeter 56	93	57,877	47,864	149,527	197,391	515	1,608	2,123
Page 80	82	51,817	42,853	133,871	176,723	523	1,633	2,156
Elgin-New Leipzig 49	152	98,244	81,248	253,816	335,064	535	1,670	2,205
Rolette 29	146	97,383	80,536	251,592	332,127	552	1,723	2,275

ESTIMATED ALLOCATIONS FOR NORTH DAKOTA SCHOOL DISTRICTS
FOR SCHOOL YEAR[illegible]9-10 AND 2010-11
RESULTING FROM FEDERAL E[illegible]OMIC STIMULUS FUNDING

			District Totals			Per Student Totals		
District Name	Enrollment Fall 2008-09	Title I 2008-09	Supplemental Title I - Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional	Supplemental Title I - Total FY's 09, 10, 11	State Fiscal Stabilization Education Share	Total FY's 09,10,11 Additional
St Thomas 43	92	62,846	51,974	162,364	214,338	565	1,765	2,330
Hoosevell18	103	75,304	62,276	194,550	256,826	605	1,889	2,494
Wolford 1	49	36,337	30,051	93,878	123,928	613	1,916	2,529
Goodrich 16	38	28,241	23,355	72,961	96,317	615	1,920	2,535
Fordville-Lankin 5	86	66,047	54,621	170,634	225,255	635	1,984	2,619
Parshall 3	265	206,367	170,665	533,155	703,820	644	2,012	2,656
New Town 1	710	563,909	466,352	1,456,875	1,923,227	657	2,052	2,709
Edmore 2	76	65,633	54,278	169,565	223,843	714	2,231	2,945
Drake 57	101	88,737	73,385	229,255	302,640	727	2,270	2,997
Zeeland 4	43	38,544	31,876	99,580	131,455	741	2,316	3,057
Emerado 127	75	67,608	55,912	174,667	230,579	745	2,329	3,074
Oberon 16	62	67,260	55,624	173,768	229,392	897	2,803	3,700
St John 3	307	373,872	309,192	965,909	1,275,101	1,007	3,146	4,153
Belcourt 7	1,627	2,045,959	1,692,005	5,285,795	6,977,800	1,040	3,249	4,289
Mandaree 36	188	244,897	202,529	632,699	835,228	1,077	3,365	4,442
Minnewaukan 5	211	279,932	231,503	723,213	954,716	1,097	3,428	4,525
Warwick 29	231	396,911	328,245	1,025,431	1,353,676	1,421	4,439	5,860
White Shield 85	128	226,734	187,509	585,774	773,283	1,465	4,576	6,041
Dunseith 1	398	773,027	639,292	1,997,138	2,636,430	1,606	5,018	6,624
Solen 3	159	315,548	260,958	815,228	1,076,185	1,641	5,127	6,768
Twin Bulles 37	35	74,000	61,198	191,181	252,379	1,749	5,462	7,211
Selfridge 8	50	115,876	95,829	299,369	395,198	1,917	5,987	7,904
Ft Yates 4	141	410,184	339,222	1,059,722	1,398,944	2,406	7,516	9,922
Ft Totten 30	149	872,591	721,631	2,254,364	2,975,996	4,843	15,130	19,973
Totals	**92,705**	**32,400,540**	**27,415,002**	**85,643,403**	**112,627,056**	***Avgs of Avgs>***	**1,342**	**1,772**
				Actual Average>>	**1,215**			
Total for all Years								
Average		205,067	173,513	542,047	712,829	430	1,152	1,521
High		2,946,035	243,366	7,611,168	10,047,534	4,843	15,130	19,973
Low		0	0	0	0	0	0	0

SCHOOL TRANSPORTATION

A CASE FOR AN INCREASE IN THE TRANSPORTATION BLOCK GRANT WITHIN DPI BUDGET (HB 1013) AND SECTION 45. TRANSOPRTATION GRANTS – DISTRIBUSTION in HB 1400.

PRESENTED BY:

North Dakota Small Organized Schools (NDSOS)
P. O. Box 7463
Bismarck, North Dakota
Executive Director, Wayne Levang.

DEFINING THE ISSUE

School transportation costs are reimbursed by the state through a Block Grant in the DPI budget in HB1013. The proposed $38,500,000 allocation in HB1013 will equate to per mile rates of approximately:

- 81 cents for large buses (rural)
- 81 cents for large buses (city)
- 42 cents small vehicles (rural)

The current rates are:

- 73.5 cents for large buses (rural)
- 51.5 cents for large buses (city)
- 40 cents small vehicles (rural)

WHERE DOES THIS TAKE US

History..... In 1981, schools received 76 cents/mile for large buses. State travel was reimbursed at 21 cents/mile. Gas on 1-1-80 was 63 cents/gallon and #2 diesel was 51 cents/gallon*.

*Courtesy of Johnson Oil of Rolette

Fast forward... Today transportation aid is 73.5 cents/mile for large buses. State travel is reimbursed at 45 cents/mile and gas prices have about ~~doubled~~ tripled and diesel has seen an even steeper rise.

The 2007-08 school years with a Block Grant of $33,500,000 made the state reimbursed only 73.5 cents/mile of a cost of $ 1.72/mile or **42.73%** of this cost.

The proposed 2009-10 Block Grant of $38,500,000 will make the state reimbursement of 81 cents/mile for large buses. If costs remain constant at an average of $1.72/ mile (which we all realize is not going to happen,) the state is only reimbursing **47.09%** of the cost. Jerry Colman, Assistant Director for School Finance and Organization does not have the new figure for average cost /mile for the latest school year, but an estimate by DPI that costs have **increased 16%** which would bring cost to approximately $1.99/mile. This increase, which is inevitable, will make the reimbursement level fall even below the current **42.73%** (**41.70%** using last year's estimated costs).

REALIZING THAT TRANSPORTATION FUNDING HAS "LAGGED"

NDSOS membership believes...

1) That transportation has to be treated as an integral part of the education process. Getting students to school safely and consistently with reasonable ride times only increases academic achievement.

2) It is not a large school - small school issue. All schools are absorbing transportation cost with general fund monies (local property mill levy) that could be used for salaries, curriculum, technology, other instructional costs, or even to decrease property taxes.

3) Transportation funding goal should be at the same level as the goal for all educational funding (i.e. 70%).

NDSOS membership realizes to achieve the above level will take a long term commitment by the governor, legislature and general public over two or three legislative sessions.

HOW COULD IT BE ADDRESSED?

- **As an inflation factor?** ***(SEE APENDIX A)***
- **As a ratio to auto reimbursement?** ***(SEE APENDIX B)***

NDSOS believes it should be addressed

- **Proportional to foundation funding?** ***(SEE APENDIX B)***

HERE'S HOW IT'S FIGURED

DPI has calculated that initial $5,000,000 in the transportation Block Grant raised the reimbursement for large bus rural by 7.5 cents/mile, large bus city by 29.5 cents/mile and smaller vehicles by 2 cents/mile.

Approximate cost for EACH 1 cent increase/mi (BASED ON MILES REPORTED TO DPI – 2007-08) are as follows:

• Rural small bus -	$8,600
• Rural large bus –	$190,200
• In-city small bus -	-0-
• In-city large bus -	$6,200
• Family Routes -	$7,200
• Routes to bus -	$2,250
TOTAL	$214,450

Here's the breakdown of costs.

Cost of 1 cent increase from 81 and 42 cents figured in HB1400

Cost (times) cents increase = dollar amount

• Rural small bus -	$8,600 X 13 =	111,800
• Rural large bus -	$190,200 X 24 =	4,564,800
• In-city large bus -	$6,200 X 24 =	148,800
• Family Routes -	$7,200 X 13 =	93,600
• Routes to bus -	$2,250 X 13 =	29,250
For each year of biennium		$4,948,250 each year of biennium
		X 2
TOTAL		**$9,896,500**

NEW NUMBERS WITH THIS INCREASE

LARGE BUS: approximately 105.0 cents[2]

[2](61% of DPI ESTIMATED COST OF $1.72 FOR 2007-08. This takes us back to the 1981 level but will still be short of 61% (probably translates into 52% for this coming biennium.)

SMALL BUS: approximately 55.0 cents small vehicles [1]

[1](Federal reimbursement of auto travel is 55 cents as of January 1, 2009.)

APPENDIX C – Shows DPI calculations using the above rates.

APPENDIX D – Listing of school districts and the increase in payments this level of funding would provide.

It is with this data that the NDSOS membership is requesting that your committee address this ISSUE with the recommendation for the upcoming biennium of $48,500,000 to be allocated for transportation.

Respectfully,
Wayne Levang, Ex. Dir
North Dakota Small Organized Schools
701-323-0985 wlevang@yahoo.com

APPENDIX A

AS AN INFLATION FACTOR?

SCHOOL TRANSPORTATION

INCREASE AT 1% INFLATION FACTOR

SCH YR					Actual Funding*
83-84	$18,518,752.00				$18,518,752.00
84-85	$18,518,752.00	1.01	$	18,703,939.52	$19,270,588.00
85-86			$	18,890,978.92	$19,557,474.00
86-87			$	19,079,888.70	$18,360,512.00
87-88			$	19,270,687.59	$18,431,620.00
88-89			$	19,463,394.47	$18,089,258.00
89-90			$	19,658,028.41	$16,245,543.00
90-91			$	19,854,608.70	$17,169,062.00
91-92			$	20,053,154.78	$17,551,020.00
92-93			$	20,253,686.33	$17,167,452.00
93-94			$	20,456,223.19	$16,746,542.00
94-95			$	20,660,785.43	$17,196,155.00
95-96			$	20,867,393.28	$17,498,529.00
96-67			$	21,076,067.21	$17,810,492.00
97-98			$	21,286,827.89	$17,583,138.00
98-99			$	21,499,696.16	$17,442,180.00
99-00			$	21,714,693.13	$17,381,171.00
00-01			$	21,931,840.06	$17,205,537.00
01-02			$	22,151,158.46	$17,198,168.00
02-03			$	22,372,670.04	$16,994,871.00
03-04			$	22,596,396.74	$17,152,363.00
04-05			$	22,822,360.71	$17,118,918.00
05-06			$	23,050,584.32	$16,213,012.00
06-07			$	23,281,090.16	$16,147,347.00
07-08			$	23,513,901.06	
08-09			$	23,749,040.07	
09-10			$	23,986,530.47	
10-11			$	24,226,395.78	
			$	**48,212,926.25**	

If the yearly inflation factor is 1.5% from the 1983-4 level the Block Grant would be $54,954,576.41

As a 3% yearly inflation factor from the 1983-84 level the Block Grant would be $81,072,879.06

***note that actual transportation funding has decreased over this time frame.**

Appendix B

As a ratio to auto reimbursement?

History..... In 1981, schools received 76 cents/mile for large buses. State travel was reimbursed at 21 cents/mile. Gas on 1-1-80 was 63 cents/gallon and #2 diesel was 51 cents/gallon.

.21 is to .76 as .45 is to __X__

X = $1.62

If mileage reimbursement for autos increased to GSA rates as proposed in SB2064. GSA rates as of January 1, 2009 are .55 cents /mile.

.21 is to .76 as .55 is __X__

X = $1.99

Proportional to foundation funding?

Being proportional to 70% cost of education in foundation funding we would see rates of:

$1.20/mile (.70 x 1.72)

If the funding formula comes to about 61% (estimate) of the cost of education the cost per mile would be:

$1.0492/mile (.61 x 1.72)

sportation Route Summary

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
OFFICE OF SCHOOL FINANCE AND ORGANIZATION

District Name
0

School Year
2008

Route Type	Small Bus (less than 10) Miles	Small Bus (less than 10) Rides	Large Bus (10 or more) Miles	Large Bus (10 or more) Rides	Route Count
Extended Year	33,588.0	3,144	44,427.0	16,574	53
Family - To Bus	225,014.9	27,673	5,710.0	6,621	69
Family - To School	835,282.9	78,196	-	-	183
In City	-	-	621,406.6	2,583,590	226
Other Purpose	1,730.0	2,076	228,994.2	228,358	46
Public Transit	-	95,126	-	-	1
Rural	113,982.2	13,566	17,512,513.6	9,578,003	1,022
Special Ed.	686,976.2	54,749	981,510.3	422,233	205
Vocational Ed.	24,555.0	9,179	240,987.1	242,916	49
Total	1,921,129.2	283,709	19,635,548.8	13,078,295	1,854

Lg Bus	1.05
Sm Bus	0.55
Rides	0.22

Block Grant	Rate	Miles	Rides	Total	
Small Bus Miles	0.400	860,831.4		344,332.57	
Large Bus Miles	0.735	19,008,432.2		13,971,197.70	
Rural Rides	0.200		10,488,084	2,097,616.80	*
Small In-City Miles	0.250	-		-	
Large In-City Miles	0.505	621,406.6		313,810.32	
In-City Rides	0.200		2,583,590	516,718.00	
Family - To School	0.200	-		-	**
Family - To Bus	0.200	-		-	***
Not Reimbursable	0.200	835,282.9	290,330		****
Total Transportation Reimbursement		21,325,953.1	13,362,004	17,243,675.39	
EFBD adjustment					
Block Grant Total				17,243,675.39	
			Biennium	34,487,350.77	

Proposed Rate	Miles	Rides	Total	Change	Percent
0.550	860,831.4		473,457.28	129,125	38%
1.050	19,008,432.2		19,958,853.85	5,987,656	43%
0.220		10,488,084	2,307,378.48	209,762	10%
0.550	-		-	-	0%
1.050	621,406.6		652,476.91	338,667	108%
0.220		2,583,590	568,389.80	51,672	10%
0.200	723,136.9		144,627.37	144,627	#DIV/0!
0.200	225,014.9		45,002.98	45,003	#DIV/0!
0.200	112,146.0	290,330		-	
	21,550,968.0	13,362,004	24,150,186.67	6,906,511	
			24,150,186.67		
		New Funding	48,300,373.35		
		Target	38,500,000.00		

* The rate for rural students transported per day of $.40 is converted to $.20 per ride.

** The rate for Family - To School miles of $.40 per mile one way (less the first two miles) is converted to $.20 per mile per trip (less two miles each trip).

*** The rate for Family - To Bus miles of $.40 per mile one way is converted to $.20 per mile.

**** Not included in the reimbursement formula. Small bus rides and family rides, excluded family miles.

APPENDIX C

APPENDIX D

The below amounts are the increased funding for specific school district using a Block **Grant of $48,500,000** which translates into rates for reimbursement of **$1.05/mile** for large buses and **.55/mile** for small buses.

CASSELTON	$54,297.53
FARGO	185,268.80
GRAND FORKS	135,101.03
TOWNER	74,996.13
UNDERWOOD	16,809.96

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8

Dakota TESL Position Statement: Recommendations of the *North Dakota Commission on Education Improvement* As They Pertain to English Language Learners

1/14/2009

Dakota Teachers of English as a Second Language (TESL) is dedicated to improving the education of English Language Learners in North and South Dakota. The organization relies on scholarly research and the collective wisdom and experience of hundreds of ELL teachers, administrators, and other professionals to drive its programs, services, and advocacy efforts on behalf of ELL educators and their students.

Determining optimal funding levels for English Language Learners is a difficult task, and states across the nation are grappling with how much they should contribute toward this funding. Estimates for how much it costs to adequately educate an ELL vary widely and involve complex considerations. The North Dakota Commission on Education Improvement recently hired Picus and Associates, an educational finance consulting firm, to assist in this matter. The Commission then disseminated a final draft report, with recommendations for revising state ELL funding, on January 6, 2009.

In short, Dakota TESL does not support the Commission's recommendations for English Language Learner program funding in North Dakota. These recommendations do not reflect current research in the field of English Language Acquisition nor best practices in nationwide ELL programming and assessment. Dakota TESL also questions the extent to which persons with ELL expertise were consulted in developing these recommendations. Furthermore, Dakota TESL believes there needs to be more research conducted before the state of North Dakota considers revising its funding mechanism for English Language Learners.

Specific to the proposed recommendations, Dakota TESL believes that statutory definitions of an English Language Learner should not be manipulated for purposes of funding. First of all, the Commission's statutory definition erroneously refers to ELL programs as "remedial English programs." In reality, ELL teachers, whose academic background may be in English education or other content areas, use their additional training in second language acquisition theory and techniques not to remediate, but to initiate growth toward both academic and English language proficiency. This may occur in an ELL class, or in some cases, within the confines of regular education classrooms as ELL professionals share sheltered instruction strategies with classroom teachers.

Furthermore, the Commission's recommendation that English Language Learners be categorized into three levels of English language proficiency is overly simplistic and disregards

standards and systems already implemented and widely accepted throughout the nation. Most English language proficiency assessments, including the WIDA Consortium's ACCESS test, the state-approved English language proficiency assessment in both North and South Dakota, are based on five or six discrete levels of proficiency. The Commission's use of wording such as "testing least proficient," "testing not proficient," and "testing somewhat proficient," is unscientific and reflects a lack of understanding of language proficiency and assessment. Most importantly, the report demonstrates a lack of attention to the WIDA assessment and proficiency levels already in place in the Dakotas. Thus, the Commission's recommendation is not congruent with the practices of North Dakota and is very unclear as to how its recommendation will correlate with our current system of five levels of limited English proficiency.

The Commission's recommendation to base funding on proficiency is also misguided. While English Language Learner students at the beginning stages of English proficiency require time-intensive instruction in basic language concepts in order to acquire Basic Interpersonal Communication Skills (BICS), ELLs at more advanced stages of English proficiency still need specialized instruction in academic reading and writing to ensure that they achieve CALP (Cognitive Academic Language Proficiency). Thus, the expertise of the ELL professional trained in second language acquisition techniques is essential for both newcomers and intermediate to advanced students. An increase in English language proficiency does not necessarily equate to a lower cost in terms of personnel.

Furthermore, research has shown that it is not the student's English proficiency level, but the type of ELL student, that determines the cost of educating an individual ELL student. The highest costs tend to be associated with English Language Learners who are categorized as having "limited or interrupted formal schooling." This category includes refugee students who enter North Dakota schools with limited or no exposure to literacy, even in their native language. The Fargo, West Fargo, and Grand Forks school districts enroll high numbers of these ELL students.

However, one large unknown in North Dakota is the cost differential between these large-scale ELL programs and extremely small-scale programs in rural communities such as Beulah. All school districts, even if only one English language learner is enrolled, must still meet the same federal and state requirements for Title I and Title III as the larger urban school districts. These requirements are extensive and costly. Some small school districts in North Dakota are currently in direct violation of federal and state mandates because they do not provide ELL services for enrolled English Language Learner students. Other school districts have programs that are very close to being in violation because of under-funded and understaffed ELL programs. The state should fully investigate these issues before considering changes to its ELL funding mechanism.

Another consideration left unaddressed by the Commission is the extent to which English Language Learners in North Dakota are making progress toward English language and academic proficiency. The rate at which ELL programs are currently meeting or not meeting state-determined AYP and AMAO goals should be a large factor in making state ELL funding decisions.

As a result of these concerns, Dakota TESL makes the following recommendations for K-12 ESL/ELL programming for the state of North Dakota:

1. Adopt a statutory definition of English language learners that eliminates the requirement for an ELL student to be "enrolled in a remedial English program" and that contains five categories of limited English proficiency as determined by the state-approved English language proficiency assessment.

2. Ensure sufficient funding for districts of various sizes in order to meet federal and state requirements and maintain the quality education that our North Dakota ELL students and their families have come to expect.

3. Recognize the progress that programs make based upon state-determined AYP and AMAO goals when determining levels of funding for English Language Learners.

4. Dakota TESL further recommends that the state conduct research into the three issues above and consult expert professionals in the field of ELL Education and English Language Proficiency when making recommendations about such a complex and often misunderstood area of education.

5. Modify the existing recommendations given by the North Dakota Commission on Education Improvement to incorporate current pedagogical research regarding best teaching practices and academically accepted theories of second language acquisition for ELLs.

The support and consideration of our state representatives and policymakers is absolutely essential to the continued improvement and success of ELL education in North and South Dakota. Thank you for considering the best way to meet the needs of our students at this crucial time.

Testimony on HB 1400
Senate Education Committee
Monday, March 9, 2009
By Wendy Sanderson, Dakota TESL President
701-255-3653

Chairman Freborg and Members of the Committee,

My name is Wendy Sanderson, and I am here today as president of Dakota TESL, a professional organization comprised of North and South Dakota teachers of English as a second language/English language learners. In addition to serving Dakota TESL, I currently work with seventh, eighth, and ninth grade English language learners at Wachter Middle School in Bismarck. I've been teaching ELL for four years, before which I was a middle school and high school English and Spanish teacher for nine years at various North Dakota schools. Recently, I decided that ELL/ESL is not only my job, but truly my "calling," and I'm in the process of pursuing my master's degree in ESL through Hamline University in St. Paul, Minnesota.

First of all, I want to commend the North Dakota Commission on Education Improvement for all the work they've done to assure that education is funded equitably, the culmination of which, HB 1400, we're discussing today. Dakota TESL supports the vision behind the bill, but we have some questions and concerns about parts of the bill that pertain to English language learners. I'd like to summarize for you this morning our concerns about the language of the bill, the levels of English language proficiency mentioned in the bill, and the funding associated with those proficiency levels.

ELL education can be difficult to understand unless you sit down with someone who can explain it for you: What exactly is English language proficiency and limited English proficiency? How is it assessed? Who qualifies for ELL services, and what kinds are there? Are all American Indian students automatically labeled as limited English proficient? What is an individual language plan (ILP), and is it as legally binding as the IEPs implemented for special education students? Are there repercussions for not providing ELL services to students who, under federal law, are eligible for such programs? How are ELL programs currently funded, and is that funding adequate? It's our concern that in its initial study, Picus and Associates did not confer with ELL experts before issuing their report on what constitutes effective ELL education, ELL proficiency levels, and necessary funding for ELL students. As a result, we don't feel that the Commission had all the information they needed in order to make thoughtful and equitable decisions based on research and best practices. (We have ELL experts here in North Dakota who would have been more than willing to help clarify the specifics of ELL programming, assessment, and funding mechanisms, but they were not asked to be a part of the process.)

Had the Commission visited with ELL experts, they would not have referred to ELL classes as "remedial English classes" in their report, but rather, as classes taught by

highly qualified teachers from a wide variety of content areas who have additional specialized training in second language acquisition theory and pedagogy. These classes are not geared toward "remediating" problems, but rather initating the process of guiding the students to both academic and English language proficiency. Furthermore, not all English language learners are necessarily enrolled in an ELL class. Some ELLs who are progressing toward proficiency receive support on an as-needed basis; some ELL services can even occur within a regular education classroom as ELL professionals share effective sheltered instruction strategies with the ELL students' classroom teachers. The means of providing services differs from district to district and school to school, and should not be used to determine the statutory definition of an ELL student, as suggested by the Commission.

North Dakota's approved English language proficiency assessment, the ACCESS test, divides students into six levels of English proficiency, ranging from level 1 (entering) to level 6 (reaching proficiency). In contrast to what I've heard about those six levels being a good fit with HB 1400, those levels don't correlate with the three levels of English language proficiency that this bill legislates— testing "least proficient," testing "not proficient," and testing "somewhat proficient." What does "testing least proficient" mean? What ELP levels would fall under that category? Level 1 newcomers? Levels 1 and 2? What about "not proficient" and "somewhat proficient"? If level 1 students are "least proficient," level 2 students are "not proficient," and level 3 student are "somewhat proficient," will level 4 and 5 students be left without any funding at all? It's unclear what levels of English language proficiency would fall under each category, and as a result, what funding levels will look like.

Speaking of proficiency, is it cheaper to provide services to a student at a higher English proficiency level? No! While the lowest level limited English proficient students require time-intensive instruction in oral language concepts in order to acquire Basic Interpersonal Communication Skills (BICS), ELLs at more advanced stages of proficiency still need specialized instruction in academic reading and writing to achieve CALP (Cognitive Academic Language Proficiency). This is a process that, if it is to be effective, is no less costly and intensive than educating a level one student. Yet HB 1400 allocates the majority of the funding to newcomer students and provides only a small increase (or even a decrease, depending on the interpretation of the proficiency levels) for the rest of North Dakota's English language learners.

How much state funding would a district receive for each ELL student under HB 1400? The bill would provide approximately $684 annually for North Dakota's 270 newcomer ELL students, and depending on how the six English language proficiency levels are arbitrarily assigned to one of the three categories of ELL proficiency in HB 1400, only $68.40 for each of our 2,005 intermediate-level ELLs. How does that compare with current funding? Basic funding for an ELL student is now $66.50 per year with an additional payment of $465.50 for new immigrant students.* Yes, under this scenario, *the big funding increase* for ELL students under HB 1400 will add up to a whopping $1.90 more for the whole year per level 3 student! I teach several level three students in my daily ELL classes—what if I stopped when I thought they had received their $66.50

(or, after HB 1400 passes, $68.40) worth of instruction for the year? Our class would have been finished within a week! The Governor's Commission members, with the exception of the governor, the superintendent of public instruction, and the commissioner of higher education, were compensated twice as much for one *day* of work ($135) as a level 3 ELL student gets for educational services in a *whole year*! (See HB 1400 Section 28.15.1-27-41.)

Some legislators and educators have heard (erroneously) that North Dakota's ELL programs will be receiving a 55% increase this biennium. Although DPI officials can clarify this better than I, that additional funding is for administrative costs at the state level, including the cost of annually assessing all 4,767 North Dakota ELL students with the state-approved proficiency test, the ACCESS.* None of that money (although it is sorely needed for administrative purposes) will go directly to providing teachers and materials for our students. The money to help our kids comes solely from HB 1400.

Speaking of money, funding an ELL program on the basis of the language proficiency level of the students enrolled is not the best method of distributing funding. All districts, regardless of size and whether they have a large population of newcomers, are required by state and federal law to provide services to their English language learners; yet many are out of compliance because they either do not currently provide any services for their ELLs, or they are under-funded, and as a direct result, understaffed. Dakota TESL believes it would be better to base funding on the progress ELL programs make on state-determined AYP and AMAO goals. If, however, English language proficiency levels are going to be used to determine funding, that funding needs to be distributed more equitably among the levels.

Now is certainly the right time for North Dakota to put extra funding into education. But English language learners at all proficiency levels should be part of that equation. For too long, we've felt that, in the large scheme of things, ELL programs and funding mechanisms have been largely overlooked. We have a needy population of students to serve, and we're doing it to the best of our ability with the limited funding we have, but it's not enough.

I ask you to consider Dakota TESL's concerns when drafting recommendations and legislation that pertain to ELL programs, teachers, and students. I would love to get the opportunity to sit down with each of you and provide you with more information about our unique content area, our specialized training, our amazing students, and our desire to make a difference. You can help us do just that. A few simple changes to the ELL portions of HB 1400 will go a long way toward ensuring equitable, sustainable ELL programming for *all* North Dakota students who qualify. Thank you for thoughtfully considering how best to make it happen.

* Please see attached *Comparison of Funding Formulas* put together by Dr. Mari Rasmussen, Bilingual and Language Acquisition Programs, North Dakota Department of Public Instruction.

Comparison of Funding Formulas for English Language Learners in North Dakota

The following table compares the funding formula for English Language Learners for North Dakota. Currently we have two categories for payment purposes:

- English Language Learner and,
- New Immigrant English Language Learner.

The basic foundation aid payment per student is $3325. The additional amount that an ELL receives is 0.02 of $3325. New immigrants receive an additional 0.14 of $3325.

House Bill 1400 proposes $3420. For a basic student payment and changes the categories to levels of proficiency, with Level 1 receiving 0.2 of the basic payment, Level 2 receiving .05 and level 3 receiving .02. Senator Bakke recommends that the funding formula stay the same with all ELLs eligible for an additional 0.1 and new immigrants receive an additional .2.

The proposal for ELL under HB 1400 does not put any significant more money in the overall ELL program and severely limits the students that are funded since the majority of students in ND are in the upper levels of proficiency. Senator Bakke's formula puts more funding overall into the program and ensures that all ELLs are funded, while also ensuring that districts impacted

Comparison of Funding formulas for English Language Learners in North Dakota							
		Current Legislation		HB 1400		Bakke's Recommendation	
Student rate	$3,325			$3,420.00			
ELL		0.02	$66.50			0.1	$342.00
New Immigrant ELL		0.14	$465.50			0.2	$684.00
Level 1				0.2	$684.00		
Level 2				0.05	$171.00		
Level 3				0.02	$68.40		

with new immigrants get additional funds.

Student Levels in ND 2008	
Level One	270
Level Two	422
Level Three	701
Level Four	882
Level Five	968
Level Six	212
No Level Available	1312
Total	4767

North Dakota English Language Learners by Levels of Proficiency 2007 – 2008 Data

March 2009

The enclosed chart provides the data on the students in North Dakota school districts reported as English Language Learners in 2007 – 2008 by level of proficiency.

- The definition for English Language Learners in the federal definition included in Title IX of the Elementary and Secondary Education Act – Title IX.
- The data includes all students assessed for language proficiency on the North Dakota State English Language proficiency assessment in 2007 – 2008.
    - 5823 students were assessed.
    - Proficiency levels are available for 4763 students.
- The data does not include students who were exited from English Language Learner status after the results of the tests were reviewed.
- The data includes a larger number of students reported in testimony by Wendy Sanderson because of the following:
    - Only 75% of the data received from the testing company were matched with student records when DPI received the data in July of 2008. (Unmatched data is due to inappropriate labeling of student test papers and other human errors.) At a later time DPI staff members were able to match more student records. Wendy's data represents an earlier version of the data

Please note that the state English Language Proficiency Assessment was developed for the purpose of documenting student progress and attainment of proficiency. It was not designed for purposes of funding for services. It is a single "snapshot" of student performance on a test that does not take into consideration teacher observation, academic achievement assessment and other data that would give a more complete picture of student needs.

Mari Rasmussen

LEP Students:

The term "limited English proficient", which is defined in section 9101 of Title IX when used with respect to an individual, means an individual -

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;
(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual -
(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
(iii) the opportunity to participate fully in society.

No Child Left Behind Act, 2001

North Dakota English Language Proficiency Assessment Results 2007 - 2008

Composite Proficiency Level	Student Numbers	Total for Proficiency Level	Percent of Total
oficiency Level	2		
1.1 Proficiency Level	4		
1.2 Proficiency Level	8		
1.3 Proficiency Level	4		
1.4 Proficiency Level	9		
1.5 Proficiency Level	12		
1.6 Proficiency Level	22		
1.7 Proficiency Level	38		
1.8 Proficiency Level	46		
1.9 Proficiency Level	135		
Total for Level One		280	5%
2.0 Proficiency Level	14		
2.1 Proficiency Level	31		
2.2 Proficiency Level	48		
2.3 Proficiency Level	29		
2.4 Proficiency Level	69		
2.5 Proficiency Level	33		
2.6 Proficiency Level	56		
2.7 Proficiency Level	65		
2.8 Proficiency Level	52		
2.9 Proficiency Level	152		
Total for Level Two		549	9%
3.0 Proficiency Level	76		
3.1 Proficiency Level	73		
3.2 Proficiency Level	103		
3.3 Proficiency Level	143		
3.4 Proficiency Level	101		
oficiency Level	148		
ficiency Level	170		
roficiency Level	205		
3.8 Proficiency Level	209		
3.9 Proficiency Level	281		
Total for Level Three		1509	26%
4.0 Proficiency Level	70		
4.1 Proficiency Level	150		
4.2 Proficiency Level	175		
4.3 Proficiency Level	144		
4.4 Proficiency Level	168		
4.5 Proficiency Level	144		
4.6 Proficiency Level	148		
4.7 Proficiency Level	102		
4.8 Proficiency Level	161		
4.9 Proficiency Level	182		
Total for Level Four		1442	25%
5.0 Proficiency Level	70		
5.1 Proficiency Level	102		
5.2 Proficiency Level	96		
5.3 Proficiency Level	95		
5.4 Proficiency Level	68		
5.5 Proficiency Level	63		
5.6 Proficiency Level	62		
5.7 Proficiency Level	56		
5.8 Proficiency Level	70		
5.9 Proficiency Level	87		
Total for Level Five		769	13%
.0 Proficiency Level	214		
Level Six		214	4%
cy Level not available	1060		
Total for Proficiency Level not available		1060	18%
Grand Total	5823	5823	100%

Senate Education
3/16/2009

Current Payment Year

	ADM	Factor	Wsu	Rate	Amount
New Immigrant	357.53	0.14	50.05	3,325.00	166,416.25
ELL	3,426.54	0.02	68.53	3,325.00	227,862.25
2008-09 Final					394,278.50

Senate amendments

	ADM	Factor	Wsu	Rate	Amount
New Immigrant	357.53	0.20	71.51	3,420.00	244,564.20
ELL	3,426.54	0.10	342.65	3,420.00	1,171,863.00
1st year estimate					1,416,427.20

Projection for HB 1400 Executive Recommendation

	ADM	Factor	Wsu	Rate	Amount
Level 1	424.00	0.20	84.80	3,420.00	290,016.00
Level 2	553.02	0.05	27.65	3,420.00	94,563.00
Level 3	1,381.30	0.02	27.63	3,420.00	94,494.60
1st year estimate					479,073.60

Attachment C

STATEMENT OF INTENT
HOME EDUCATION – STATUTORY REQUIREMENTS

DEPARTMENT OF PUBLIC INSTRUCTION
SFN 16909 (rev. 9/04)

[redacted] Dakota Century Code (NDCC) 15.1-23-02 - "At least fourteen days before beginning home education or within fourteen days of establishing a [redacted]'s residence in a school district, and once each year thereafter, a parent intending to supervise or supervising home education shall file a statement, reflecting that intent or fact, with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's county of residence."

Name of parent supervising home education		Address	
City	State	Zip Code	Telephone (optional)
Name of child receiving home education		Birth date of child	Grade level of child

☐ Proof of identity as it relates to NDCC section 54-23.2-04.2 has been provided

☐ Proof of immunization as it relates to NDCC section 23-07-17.1 has been provided

Public School at which child may enroll in academic courses:

Academic Course	Academic Course
Academic Course	Academic Course

My child will participate in extra-curricular activities at the following school:

Extra-curricular activity	Extra-curricular activity
Extra-curricular activity	Extra-curricular activity

[redacted]**ifications of Parent (NDCC 15.1-23-03):** *Check the appropriate category and attach supporting documentation.*

☐	North Dakota Educator's Professional License	ND License Number	Expiration date
☐	Met or exceeded the cut-off score of a national teacher exam (NTE or Praxis II) in North Dakota or in any other state if North Dakota does not offer such a test Year _____ Attach a copy of the NTE or Praxis II report		
☐	Bachelors Degree	Year Graduated	College or University
☐	High School graduation or General Equivalency Diploma (GED)		
	High School	State	Year Graduated
	GED Year (Attach copy of General Equivalency Diploma.)		

Monitoring Information

If the monitoring requirements of NDCC section 15.1-23-06 have been fulfilled, please check the appropriate choice:

☐ monitoring has been completed for the first two years, OR

☐ completion of monitoring requirements on first child home educated.

If the monitoring requirements of NDCC section 15.1-23-06 have not been fulfilled, please complete the following:

Name of Monitoring Teacher	ND License Number	Expiration Date

I am the parent of the above identified child and intend to supervise that child in home education.

Parent's signature	Date
School District	Date filed with school district
[redacted]ntendent or County Superintendent signature	Date

A separate Statement of Intent must be completed annually for each child in home education.

Original – School District

Copy - Parent

North Dakota Health
Content and Achievement Standards

Grades K–12

August 2008

North Dakota Department of Public Instruction
Dr. Wayne G. Sanstead, State Superintendent
600 East Boulevard Avenue, Dept. 201
Bismarck, North Dakota 58505-0440
www.dpi.state.nd.us

Standard 1: Growth and Development

Standard 1: Students understand the fundamental concepts of growth and development.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Human Growth And Development				
9-12.1.1 Explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities)	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with substantial detail.	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with sufficient detail.	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with sketchy detail.	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with little or no detail.
9-12.1.2 Explain how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality	Students provide an insightful explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide a relevant explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide a superficial explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide an irrelevant explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.
9-12.1.3 Describe the importance of prenatal and postnatal care to both parents and child	Students describe the importance of prenatal and postnatal care to parents and the child with substantial detail.	Students describe the importance of prenatal and postnatal care to parents and the child with sufficient detail.	Students describe the importance of prenatal and postnatal care to parents and the child with sketchy detail.	Students explain the importance of prenatal and postnatal care to parents and the child with little or no detail.
Body Systems				
9-12.1.4 Explain how personal health behaviors impact the functioning of body systems (e.g., stress weakens the immune system, lack of exercise may lead to obesity, tobacco use may lead to cancer, risky behaviors may lead to HIV/AIDS or STD/STIs)	Students explain how personal health behaviors impact the functioning of body systems with substantial detail.	Students explain how personal health behaviors impact the functioning of body systems with sufficient detail.	Students explain how personal health behaviors impact the functioning of body systems with sketchy detail.	Students explain how personal health behaviors impact the functioning of body systems with little or no detail.
9-12.1.5 Explain the functions of the reproductive system	Students explain the functions of the reproductive system with substantial detail.	Students explain the functions of the reproductive system with sufficient detail.	Students explain the functions of the reproductive system with sketchy detail.	Students explain the functions of the reproductive system with little or no detail.

Standard 2: Personal Health

Standard 2: Students understand concepts related to the promotion of health and the prevention of disease.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Personal Health & Wellness				
9-12.2.1 Analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention (e.g., active lifestyle vs. sedentary lifestyle, healthy diet vs. fad diets)	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with substantial detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with sufficient detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with sketchy detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with little or no detail.
9-12.2.2 Apply strategies for enhancing personal health (e.g., self-discipline, commitment, perseverance, support)	Students apply strategies for enhancing personal health with few, if any lapses.	Students consistently apply strategies for enhancing personal health.	Students inconsistently apply strategies for enhancing personal health.	Students rarely apply strategies for enhancing personal health.
9-12.2.3 Explain ways individuals can take responsibility for enhancing their own health (e.g., personal responsibility for dietary choices and reading labels, participating in physical activities, stress reduction, abstinence)	Students explain an extensive variety of ways individuals can take responsibility for enhancing their own health.	Students explain a representative variety of ways individuals can take responsibility for enhancing their own health.	Students explain a limited variety of ways individuals can take responsibility for enhancing their own health.	Students explain an insufficient variety of ways individuals can take responsibility for enhancing their own health.
Disease And Illness				
9-12.2.4 Explain the importance of regular physical examinations (e.g., self-examination of breasts or testicles and physical examination by a physician) in detecting and treating diseases early	Students explain the importance of regular physical examinations in detecting and treating diseases early with substantial detail.	Students explain the importance of regular physical examinations in detecting and treating diseases early with sufficient detail.	Students explain the importance of regular physical examinations in detecting and treating diseases early with sketchy detail.	Students explain importance of regular physical examinations in detecting and treating diseases early with little or no detail.
9-12.2.5 Describe how prevention and treatment of health problems are influenced by research and medical advances (e.g., recent improvements in the treatment of cancer, diabetes, and heart disease; advanced surgical techniques; HIV/AIDS)	Students describe how prevention and treatment of health problems are influenced by research and medical advances with substantial detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with sufficient detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with sketchy detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with little or no detail.

Standard 2: Students understand concepts related to the promotion of health and the prevention of disease.					
Benchmark Expectations		Achievement Descriptor			
		Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
9-12.2.6	Describe the social and economic effects of disease on individuals, families, and communities (e.g., absenteeism from work and school, loss of income, epidemics of infectious disease)	Students describe an extensive variety of social and economic effects of disease on individuals, families, and communities.	Students describe a representative variety of social and economic effects of disease on individuals, families, and communities.	Students describe a limited variety of social and economic effects of disease on individuals, families, and communities.	Students describe an insufficient variety of social and economic effects of disease on individuals, families, and communities.
Safety And Injury Prevention					
9-12.2.7	Describe strategies for enhancing health and safety at home, in the community, and in the workplace (e.g., making an emergency evacuation plan for the home, locating and using an Automated External Defibrillator in the community, identifying proper lifting techniques for heavy objects, CPR/first aid training)	Students describe an extensive variety of strategies for enhancing health and safety at home, in the community, and in the workplace.	Students describe a representative variety of strategies for enhancing health and safety at home, in the community, and in the workplace.	Students describe a limited variety of strategies for enhancing health and safety at home, in the community, and in the workplace.	Students describe an insufficient variety of strategies for enhancing health and safety at home, in the community, and in the workplace.

Standard 3: External Health Factors

Standard 3: Students understand the effect of external factors on the health of individuals, families, communities, and the environment.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
External Influences On Health				
9-12.3.1 Explain how the community can influence the health of individuals (e.g., health information offered through community organizations, volunteer work at hospitals, community food banks)	Students provide an insightful explanation of how the community can influence the health of individuals.	Students provide a relevant explanation of how the community can influence the health of individuals.	Students provide a superficial explanation of how the community can influence the health of individuals.	Students provide an irrelevant explanation of how the community can influence the health of individuals.
9-12.3.2 Describe how cultural diversity enriches and challenges health behaviors (e.g., cultural differences related to health care and the treatment of disease, various food sources of nutrients available in different cultural and ethnic cuisines)	Students describe how cultural diversity enriches and challenges health behaviors with substantial detail.	Students describe how cultural diversity enriches and challenges health behaviors with sufficient detail.	Students describe how cultural diversity enriches and challenges health behaviors with sketchy detail.	Students describe how cultural diversity enriches and challenges health behaviors with little or no detail.
9-12.3.3 Explain how public health policies and government regulations (e.g., food and drug labeling, safe food handling and production regulations, community immunization programs, regulations regarding waste disposal) influence health	Students provide an insightful explanation of how public health policies and government regulations influence health.	Students provide a relevant explanation of how public health policies and government regulations influence health.	Students provide a superficial explanation of how public health policies and government regulations influence health.	Students provide an irrelevant explanation of how public health policies and government regulations influence health.
Health And The Environment				
9-12.3.4 Evaluate how a physical environment influences the health of individuals and the community (e.g., the application of pesticides and herbicides on agricultural products; environmental issues that affect the water supply and nutritional quality of food)	Students provide an insightful evaluation of how a physical environment influences the health of individuals and the community.	Students provide a relevant evaluation of how a physical environment influences the health of individuals and the community.	Students provide a superficial evaluation of how a physical environment influences the health of individuals and the community.	Students provide an irrelevant evaluation of how a physical environment influences the health of individuals and the community.

Standard 4: Communication Skills

Standard 4: Students demonstrate the ability to use communication skills to enhance health.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Interpersonal Communication				
9-12.4.1 Apply effective verbal and nonverbal communication skills to enhance health (e.g., send clear messages about the effects of tobacco use on health)	Students apply effective verbal and nonverbal communication skills to enhance health with ease.	Students apply effective verbal and nonverbal communication skills to enhance health with minimal difficulty.	Students apply effective verbal and nonverbal communication skills to enhance health with difficulty.	Students apply effective verbal and nonverbal communication skills to enhance health with little or no success.
Conflict Resolution				
9-12.4.2 Apply refusal, negotiation, and collaboration skills to enhance health and avoid or reduce health risks	Students apply refusal, negotiation, and collaboration skills to enhance health and avoid or reduce health risks with ease.	Students frequently demonstrate refusal, negotiation, and collaboration skills to enhance health and avoid or reduce health risks with minimal difficulty.	Students sometimes demonstrate refusal, negotiation, and collaboration skills to enhance health and avoid or reduce health risks with difficulty.	Students rarely demonstrate refusal, negotiation, and collaboration skills to enhance health and avoid or reduce health risks with little or no success.
9-12.4.3 Explain why a particular strategy (e.g., role-play/group situations) is appropriate for a given situation (e.g., preventing, managing, or resolving interpersonal conflicts)	Students provide an insightful explanation of why a particular strategy is appropriate for a given situation.	Students provide a relevant explanation of why a particular strategy is appropriate for a given situation.	Students provide a superficial explanation of why a particular strategy is appropriate for a given situation.	Students provide an irrelevant explanation of why a particular strategy is appropriate for a given situation..

Standard 5: Decision Making and Goal Setting

Standard 5: Students demonstrate the ability to use decision making and goal setting skills to enhance health.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Goal Setting				
9-12.5.1 Develop a life-long plan to sustain personal health (e.g., remaining drug-free, maintaining safe levels of cholesterol and blood pressure)	Students develop a comprehensive life-long plan to sustain personal health.	Students develop a relevant life life-long to sustain personal health.	Students develop a superficial life life-long to sustain personal health.	Students develop an irrelevant life life-long to sustain personal health.
9-12.5.2 Assess the personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal	Students insightfully assess a personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students assess a relevant personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students superficially assess a personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students assess an irrelevant personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.
Decision Making				
9-12.5.3 Apply the decision making process (e.g., gathering facts, assessing the alternatives, implementing a decision, evaluating the outcome) as it relates to a healthy lifestyle	Students insightfully apply the decision making process as it relates to a healthy lifestyle.	Students apply the decision making process as it relates to a healthy lifestyle.	Students superficially apply a decision making process as it relates to a healthy lifestyle.	Students apply an irrelevant decision making process as it relates to a healthy lifestyle.
9-12.5.4 Identify situations (e.g., fluoridated water in a community, television ratings in the home, natural disasters) that require individuals to work together in a collaborative decision-making process	Students identify an extensive variety of situations that require individuals to work together in a collaborative decision making process.	Students identify a representative variety of situations that require individuals to work together in a collaborative decision making process.	Students identify a limited variety of situations that require individuals to work together in a collaborative decision making process.	Students identify an insufficient variety of situations that require individuals to work together in a collaborative decision-making process.
9-12.5.5 Compare the short and long term impacts of alternative choices (e.g., pop vs. water, smoking vs. nonsmoking, wearing a seatbelt vs. not wearing a seatbelt, abstinence vs. sexual activity) in health-related situations	Students compare the short and long term impacts of alternative choices in health-related situations with substantial detail.	Students compare the short and long term impacts of alternative choices in health-related situations with sufficient detail.	Students compare the short and long term impacts of alternative choices in health-related situations with sketchy detail.	Students compare the short and long term impacts of alternative choices in health-related situations with little or no detail.

Standard 5: Students demonstrate the ability to use decision making and goal setting skills to enhance health.					
Benchmark Expectations		Achievement Descriptor			
		Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
9-12.5.6	Explain consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs (e.g., adverse consequences for individuals, families, and the community)	Students provide an insightful explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide a relevant explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide a superficial explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide an irrelevant explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.

Standard 6: Consumer Health

Standard 6: Students demonstrate the ability to access, use, and evaluate health-related information, products, and services.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Access And Use Of Health Information, Products, And Services				
9-12.6.1 Describe situations (e.g., diabetes, chronic depression, prenatal and postnatal care, alcohol or drug related problems, child abuse) that require professional health services in the areas of prevention, treatment, and rehabilitation	Students describe an extensive variety of situations that require professional health services in the areas of prevention, treatment, and rehabilitation.	Students describe a representative variety of situations that require professional health services in the areas of prevention, treatment, and rehabilitation.	Students describe a limited variety of situations that require professional health services in the areas of prevention, treatment, and rehabilitation.	Students describe an insufficient variety of situations that require professional health services in the areas of prevention, treatment, and rehabilitation.
9-12.6.2 Describe resources (e.g., reputable internet sites such as Centers for Disease Control, Surgeon General, and National Institute of Health, Chamber of Commerce, or public health organizations) to access valid and reliable health information, products, and services both in and outside of the community	Students describe an extensive variety of resources to access valid and reliable health information, products, and services both in and outside the community.	Students describe a representative variety of resources to access valid and reliable health information, products, and services both in and outside the community.	Students describe a limited variety of resources to access valid and reliable health information, products, and services both in and outside the community.	Students describe an insufficient variety of resources to access valid and reliable health information, products, and services both in and outside the community.
9-12.6.3 Describe one's financial responsibility for health care services (e.g., health insurance coverage, deductibles, premiums, care options)	Students describe one's financial responsibility for health care services with substantial detail.	Students describe one's financial responsibility for health care services with sufficient detail.	Students describe one's financial responsibility for health care services with sketchy detail.	Students describe one's financial responsibility for health care services with little or no detail.
Selection And Evaluation Of Health Information, Products, And Services				
9-12.6.4 Identify local, state, federal, and private agencies (e.g., Food and Drug Administration [FDA], Environmental Protection Agency [EPA], United States Department of Agriculture [USDA], North Dakota Department of Health, North Dakota Attorney General's Office, and County Health) that protect and inform consumers	Students identify an extensive variety of local, state, federal, and private agencies that protect and inform consumers.	Students identify a representative variety of local, state, federal, and private agencies that protect and inform consumers.	Students identify a limited variety of local, state, federal, and private agencies that protect and inform consumers.	Students identify an insufficient variety of local, state, federal, and private agencies that protect and inform consumers.

Standard 6: Students demonstrate the ability to access, use, and evaluate health-related information, products, and services.					
Benchmark Expectations		Achievement Descriptor			
		Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
9-12.6.5	Determine criteria (e.g., costs and benefits, consumer guide, advice from health professionals, the media) used to evaluate health information, products, and services (e.g., research using medical journals, consumer health sources, research institutes)	Students determine insightful criteria used to evaluate health information, products, and services.	Students determine relevant criteria used to evaluate health information, products, and services.	Students determine superficial criteria used to evaluate health information, products, and services.	Students determine irrelevant criteria used to evaluate health information, products, and services.
9-12.6.6	Evaluate resources, products, and services based on appropriate criteria (e.g., costs and benefits), consumer guides, and advice from health professionals.	Students provide an insightful evaluation of resources, products, and services based on appropriate criteria, consumer guides, and advice from health professionals.	Students provide a relevant evaluation of resources, products, and services based on appropriate criteria, consumer guides, and advice from health professionals.	Students provide a superficial evaluation of resources, products, and services based on appropriate criteria, consumer guides, and advice from health professionals.	Students provide an irrelevant evaluation of resources, products, and services based on appropriate criteria, consumer guides, and advice from health professionals.

Standard 7: Health Advocacy

Standard 7: Students demonstrate the ability to advocate for personal, family, and community health.				
Benchmark Expectations	Achievement Descriptor			
	Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
Grades 9–12				
Advocating For Health				
9-12.7.1 Explain how an individual can improve or sustain community health initiatives and or services (e.g., exercising voting privileges on health-related matters; assisting in the development of health policies or laws; evaluating community health services and presenting concerns to legislators)	Students explain how an individual can improve or sustain community health initiatives and or services with substantial detail.	Students explain how an individual can improve or sustain community health initiatives and or services with sufficient detail.	Students explain how an individual can improve or sustain community health initiatives and or services with sketchy detail.	Students explain how an individual can improve or sustain community health initiatives and or services with little or no detail.
9-12.7.2 Develop strategies to influence and support others in making positive health choices (e.g., working as a peer trainer, counseling others on health issues, gaining support of school administrators and community leaders, service learning and health fair projects)	Students develop insightful strategies to influence and support others in making positive health choices.	Students develop relevant strategies to influence and support others in making positive health choices.	Students develop superficial strategies to influence and support others in making positive health choices.	Students develop irrelevant strategies to influence and support others in making positive health choices.
9-12.7.3 Apply strategies to influence and support others in making positive health choices (e.g., working as a peer trainer, counseling others on health issues, gaining support of school administrators and community leaders, service learning and health fair projects)	Students apply strategies to influence and support others in making positive health choices with few, if any, errors.	Students consistently apply strategies to influence and support others in making positive health choices.	Students inconsistently apply strategies to influence and support others in making positive health choices.	Students rarely apply strategies to influence and support others in making positive health choices.
Communicating Health Information				
9-12.7.4 Apply strategies (e.g., utilizing peer and societal norms, data, surveys) to express information and opinions about health issues	Students apply an extensive variety of strategies to express information and opinions about health issues.	Students apply a representative variety of strategies to express information and opinions about health issues.	Students apply a limited variety of strategies to express information and opinions about health issues.	Students apply an insufficient variety of strategies to express information and opinions about health issues.

Standard 7: Students demonstrate the ability to advocate for personal, family, and community health.					
Benchmark Expectations		Achievement Descriptor			
		Advanced Proficient	**Proficient**	**Partially Proficient**	**Novice**
9-12.7.5	Apply strategies for adapting health messages and techniques to a specific target audience (e.g., translating information from a health text to language appropriate for peer education)	Students apply an extensive variety of strategies for adapting health messages and techniques to a specific target audience.	Students apply a representative variety of strategies for adapting health messages and techniques to a specific target audience.	Students apply a limited variety of strategies for adapting health messages and techniques to a specific target audience.	Students apply an insufficient variety of strategies for adapting health messages and techniques to a specific target audience.
9-12.7.6	Evaluate the effectiveness of a communication method (e.g., public service announcements, television or magazine advertisements, web sites) used to deliver health information	Students evaluate the effectiveness of a communication method used to deliver health information with substantial detail.	Students evaluate the effectiveness of a communication method used to deliver health information in sufficient detail.	Students evaluate the effectiveness of a communication method used to deliver health information with sketchy detail.	Students evaluate the effectiveness of a communication method used to deliver health information with little or no detail.

EXHIBIT E

NORTH DAKOTA CURRICULUM REQUIREMENTS

HIGH SCHOOL GRADUATION REQUIREMENTS

NORTH DAKOTA HIGH SCHOOL	MERIT DIPLOMA DEFAULT – EVERYONE ENROLLED AS A FRESHMAN & SOPHOMORE	GENERAL DIPLOMA -OPT OUT PROVISION
TOTAL REQUIRED UNITS	*Minimum of 22 Units*	*Minimum of 21 Units*
ENGLISH / LANGUAGE ARTS	**4 Units**	**4 Units**
MINIMUM REQUIRED COURSEWORK STUDENTS MUST TAKE TO GRADUATE FROM HIGH SCHOOL.	**4** units of English or language arts that includes a balance of literature, composition, and speech.	*Same*
MATHEMATICS	**3 Units**	**2 Units**
MINIMUM REQUIRED COURSEWORK STUDENTS MUST TAKE TO GRADUATE FROM HIGH SCHOOL.	**1** unit: algebra I; **1** unit: geometry; **1** unit: algebra II or consumer/applied math; **or** an integrated math series of math I, math II, math III approved by the state superintendent.	

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NORTH DAKOTA CURRICULUM REQUIREMENTS

HIGH SCHOOL GRADUATION REQUIREMENTS

		MERIT			GENERAL
SCIENCE		**3 Units**			**2 Units**
MINIMUM REQUIRED COURSEWORK STUDENTS MUST TAKE TO GRADUATE FROM HIGH SCHOOL.		**1** unit of physical science; **1** unit of biology; and **1** additional unit of other science; or two one-half units of any other science			**1** unit of physical science; **1** additional unit from one of the three major science categories of: a) life science/biology *(may include health and wellness – but units may not be counted in two areas),* b) physical science/ chemistry, physics; c) earth science and space science.
SOCIAL STUDIES		**3 UNITS**			**3 UNITS**
MINIMUM REQUIRED COURSEWORK STUDENTS MUST TAKE TO GRADUATE FROM HIGH SCHOOL.		**1** unit of US history; ½ unit of US government **and** ½ unit of economics. *(or **1** unit of problems of democracy may be substituted for US government and economics);* **1** additional unit from the following subjects: world history, civics, civilization, geography, and history, multicultural studies, North Dakota Studies, psychology, sociology and world history.			May include ½ unit ND studies and ½ unit multicultural studies.
PHYSICAL EDUCATION		**1 UNIT**			**1 UNIT**

NORTH DAKOTA CURRICULUM REQUIREMENTS

HIGH SCHOOL GRADUATION REQUIREMENTS

	MERIT	GENERAL
HEALTH & WELLNESS	*1/4 unit of health and wellness may be substituted for ½ unit of physical education.*	*Same*
FOCUSED ELECTIVES	**3 UNITS**	**2 UNITS**
MINIMUM REQUIRED COURSEWORK STUDENTS MUST TAKE TO GRADUATE FROM HIGH SCHOOL.	**3** units of focused electives selected from the following subjects: foreign language; native American language; fine arts; and career and technical education.	A minimum of **2** units of foreign/native American languages, fine arts, **or** **2** units of career and technical education.
GENERAL ELECTIVES	**5 UNITS**	**7 UNITS**
UNITS REQUIRED TO GRADUATE	**22 UNITS** It shall be the legislative intent that a student's educational training includes team problem solving and at least ½ unit taken by an electronic distance delivery method (IVN, webcast, podcast, etc.)	**21 UNITS** It shall be the legislative intent that a student's educational training includes team problem solving and at least ½ unit taken by an electronic distance delivery method (IVN, webcast, podcast, etc.)

NORTH DAKOTA CURRICULUM REQUIREMENTS

HIGH SCHOOL GRADUATION REQUIREMENTS

	MERIT	GENERAL
QUALIFICATIONS		a) The student, the student's parent or guardian, and the student's career advisor *(or another qualified staff member who assists students in course selection)* meet to discuss the student's career and course plan and progress to date. b) Opt-out requires the signature of parent or guardian who must determine if it is in the best interest of the student if they continue on the ND Merit curriculum or move to the General diploma curriculum option. c) A student will not be allowed to opt-out until after two years of high school have been completed. d) To be eligible for the opt-out provision, the student must have not passed three (3) courses of at least one-half unit as required under the ND Merit curriculum, **or** ranks in the 25th percentile or lower of the student's class.
TOTAL NUMBER OF ELECTIVES AND FOCUSED ELECTIVES	8 UNITS	9 UNITS

north dakota department of human services

Application For Health Care Coverage

for Children, Families, and Pregnant Women

State of North Dakota, Department of Human Services

Attachment 3

Questions and Answers

What programs am I applying for?

By sending in this application, we will determine if family members are eligible for health care coverage from either the Medicaid or Healthy Steps (State Children's Health Insurance Program). If someone does not meet our eligibility guidelines, with your permission we will forward information from this application to the Caring for Children Program as they may help provide assistance with health care coverage for the children.

What health care services are covered?

Covered services include doctor visits, inpatient and outpatient hospitalizations, mental health and substance abuse services, prescribed medicines, dental and vision services, routine preventive services such as check-ups and immunizations, medical equipment, family planning, chiropractic services, and other services. Limits may apply.

How can I tell who is eligible?

Because eligibility is based on a number of different things, you will have to apply to know for sure who is eligible. Items used in determining if someone is eligible include: the number people in your family, age of family members, residency, monthly income and expenses. (You must be a North Dakota resident to be eligible.)

Can I use this application to apply for other programs?

No, this application is only for health care coverage. If you want to apply for health care coverage and other programs such as Food Stamps, Temporary Assistance for Needy Families (TANF), or Child Care Assistance, this application should not be used. Contact your local county social service office for the proper application.

Other Information

> If more than one family lives in your home, please fill out a separate application for each family seeking health care coverage.

> The application can be mailed and does not require a face-to-face interview. You may be contacted to clarify information.

> Your application will be reviewed as soon as possible. You should receive a decision in 45 days or less.

> If someone is eligible, a letter will be sent to you that explains when health care coverage begins.

Contact Information

For questions, please contact your local county social service office or the North Dakota Department of Human Services in Bismarck, ND at:

(Toll-Free) 1-877-KIDS NOW (1-877-543-7669) or (TTY) 1-701-328-3480

Or visit our website: www.state.nd.gov/humanservices/services/medicalserv/

Checklist Of Needed Information

- ☐ I have completed the application. (If you need additional space, attach a separate sheet of paper.)
- ☐ **US Citizens** - I have provided proof of US citizenship status for each individual who is requesting assistance. Examples: US Passport or a certified embossed birth certificate.
- ☐ **Non US Citizens** - I have provided proof of citizenship status for each individual who is requesting assistance. Examples: Resident Alien Card (Form I-551); Employment Authorization Card (Form I-688A); Temporary Resident Card (Form I-688); or Arrival-Departure Record (Form I-94).
- ☐ I have provided proof of identity for each individual who is requesting assistance. Examples: Driver's License, Picture ID Card issued by the federal, state, or local government; US Military ID Card, Military dependent's ID card, school picture ID, or for children under age 16, a signed affidavit which you can get from your local social services office.
- ☐ I have included a copy of the most recent federal income tax return if someone in the household is self-employed. If the business is new, copies of my income and expense ledgers are attached. (If someone is self-employed, you may want to send in copies of the last three years federal income tax returns as we may use an average of the last three years of self-employment income if you do not qualify for coverage using the most recent income tax return.) (Page 2, Section 6)
- ☐ I have included copies of last month's and this month's pay stubs for each household member who has a job. (Page 3, Section 7)
- ☐ I have included proof of amounts received for child support, spousal support, social security benefits, unemployment compensation benefits, Individual Indian Monies, rental income, money from friends/relatives, workers' compensation, or veteran's benefits. (Page 3, Section 8)
- ☐ I have included proof of amounts paid for court-ordered child support, spousal support or medical support. (Page 3, Section 9)
- ☐ I have included proof of amounts paid for child care. (Page 3, Section 10)
- ☐ I have included proof of amount paid for health insurance premiums.
- ☐ I have included proof of income and child care expenses for each of the last 3 months for which I would like assistance with medical bills. (Page 4, Section 13)
- ☐ I have read the "Rights and Responsibilities" section and signed the application. (Page 6, Section 18)

Include the required verifications with this form and Fax, mail or deliver them to the address below.

ND Department of Human Services
600 East Boulevard Ave Dept. 325
Bismarck, ND 58505-0250
FAX: (701) 328-2085

or to

County Address:

Insuring North Dakota's Children And Our Future

north dakota department of human services

APPLICATION FOR HEALTH CARE [redacted]ERAGE FOR CHILDREN, FAMILIES, AND PR[redacted]NANT WOMEN

ND DEPARTMENT OF HUMAN SERVICES
MEDICAL SERVICES DIVISION
SFN 502 (5-2008)

AGENC[redacted] ONLY
Date Received:
Case Number:

1 Tell Us About You - This person is the person filling out this form.

First Name	Middle Initial	Last Name	Home Telephone Number	Work/Cell or Message Telephone Number

Address Where You Live				Mailing Address (If Different)		
City	State	Zip Code	County	City	State	Zip Code

2 Tell Us About The People In Your Home - List yourself first, then your spouse, your children (including unborn children), other adults and children living in your home.

* You do not need to provide the social security numbers or citizenship status for people age 21 or older who do not want coverage or for children under age 21 who you do not want to include in the family size when determining eligibility.
** Disclosure of Race and Ethnicity information is voluntary and will not effect eligibility.

Household Members (Enter Legal Name) First / Middle Initial / Last	Relationship to Person Completing Application	Social Security Number *	Date Of Birth	Sex (Male or Female)	Marital Status (MA - Married, NM - Never Married, DI - Divorced, SE - Separated, WI - Widowed)	Race / Ethnicity (**Optional) Check all that apply (AI - American Indian/Alaska Native, P - Native Hawaiian/Pacific Islander, B - Black/African American, W - White/Caucasian, A - Asian)	Hispanic Or Latino	US CITIZEN
	SELF			☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N
				☐M ☐F	☐MA ☐NM ☐DI ☐SE ☐WI	☐AI ☐P ☐B ☐W ☐A	☐Y ☐N	☐Y ☐N

List anyone named above who is disabled (including children)	List any children named above whose father's name is not listed on the birth certificate.
I / We have lived in North Dakota since: (Month, Year)	Do you intend to remain in North Dakota? ☐Yes ☐No

Is anyone temporarily out of the home? ☐Yes ☐No If yes, please provide the information requested below for each person who is temporarily out of the home:

Name (First, Middle Initial, Last)	Why is this person absent?	When do you expect this person to return?

3 Te[redacted]c If Anyone Living In The Home Is Pregnant - List anyone in the household who is pregnant.

Pregnant Mother's Name (First and Last)	How Many Babies Are Due?	Expected Due Date	Father's Name (First and Last)

How Was Pregnancy Determined? ☐ Physician ☐ Home Pregnancy Test ☐ Public Health Agency ☐ Other (Specify): _____

4 Tell Us About Students In Your Home - List any household member age 14 or older who is a student or planning to attend school.

Student Name	Where Attending School	Last Grade Completed	Student Status	Start Date
			☐Full Time ☐Part Time	
			☐Full Time ☐Part Time	
			☐Full Time ☐Part Time	

5 Tell Us About Parents Who Are Not Living In The Home - List any parents who are not living in the home, otherwise go to Section 6.

List individuals under age 21 whose parent(s) do not live in the home:

Name of Children Whose Parent(s) Do Not Live in the Home	Name Of Parent(s) Not Living In The Home	Complete to the best of your ability: Parent's Birth Date	Complete to the best of your ability: Parent's Social Security Number	Reason Parent(s) Are Not Living In The Home
	Mother			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE
	Father			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE
	Mother			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE
	Father			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE
	Mother			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE
	Father			☐ AN ☐ AS ☐ DI ☐ LW ☐ MS ☐ PR ☐ WO ☐ AB ☐ DE ☐ JP ☐ MC ☐ NM ☐ SE

AN - Annulled; AB - Abandoned; AS - Attending School; DE - Deceased; DI - Divorced; JP - Jail/Imprisonment; LW - Looking for Work; MC - Medical Care; MS - Military Service; NM - Never Married; PR - Parental Right Terminated; SE - Separated; WO - Working Out of Town/State

6 Tell Us About Any Household Members That Are Self-Employed - Complete this section if someone is self employed. Attach a copy of the most recent Federal Income Tax return. If the business is new, send copies of income and expense ledgers. (You may want to send in copies of the last three year's federal income tax returns as we may be able to use an average of the last three years if you do not qualify for coverage using the most recent income tax return).

Name Of Business	Type Of Business	Date Business Started (Month & Year)	Name Of Household Member(s) Who Owns The Business

7 Te[redacted] About Any Household Members That Are Working - List informa[redacted] about full-time, part-time, seasonal, or temporary employment of all adults and children. If space is needed to list more jobs, use a separate sheet of paper. (Attach a copy of last month's and this month's pay stubs.)

First and Last Name Of Person Working Or Receiving Income	Employer	Date Paid	Amount Before Taxes This Month	How Often Paid?	Amount Of Tips, Or Other Compensation	Do You Expect Income To Change Next Month
				☐ Weekly ☐ Every 2 Weeks ☐ Monthly ☐ Twice/Month		☐ Yes ☐ No
				☐ Weekly ☐ Every 2 Weeks ☐ Monthly ☐ Twice/Month		☐ Yes ☐ No
				☐ Weekly ☐ Every 2 Weeks ☐ Monthly ☐ Twice/Month		☐ Yes ☐ No
				☐ Weekly ☐ Every 2 Weeks ☐ Monthly ☐ Twice/Month		☐ Yes ☐ No

If both parents live in the home, list the parent who had the most income from self-employment or employment in the past 24 months.

If you indicated you expect income to change next month, please explain:

Has any household member received commissions, bonuses, or incentives other than those included above within the last year? ☐ Yes ☐ No If Yes, answer below:

Name of Household Member	Date Received	Amount

8 Tell Us About All Unearned Income Received By Household Members - Unearned income is any money not received from a job. (Example: child support, spousal support, social security, unemployment compensation, Individual Indian Monies, rental income, money from friends/relatives, workers' compensation, veterans benefits). Send in proof of all unearned income.

Type Of Income	Who Receives The Income	How Often Is The Income Received	Amount This Month	Amount Expected Next Month

9 Tell Us About Court-Ordered Support Payments Made - Complete this section if any household member pays child support, provides health insurance, or makes any other support payments resulting from a court order. This information may help household members become eligible. Attach proof of amounts paid.

Household Member Making Support Payments	Type Of Support	Court Ordered Amount	Amount Paid

10 Tell Us About Child Care Payments Made - Complete this section if someone in the home pays child care so they can work or go to school. Do not include amounts paid by Child Care Assistance Programs. This information may help household members become eligible. Attach proof of amounts paid.

Names Of Children Being Cared For	Name Of Person Paying Expenses	Amount Paid This Month	Amount You Expect To Pay Next Month

11 Tell Us About Any Health Insurance Coverage - Tell us if any household members currently have health insurance (Indian Health Services is not considered health insurance). Attach Proof of amounts paid.

Policy Holder's Name And Address	Person(s) Covered	Effective Date	Health Insurance Name And Address	Monthly Premium (Send Proof)	Group Number	Policy Number	Coverage Type
							☐ Hospital ☐ Champus/Tri Care ☐ HMO Insurance ☐ Doctor ☐ Medicare Supplement/Advantage ☐ Court Ordered ☐ Dental ☐ Prescription Medication ☐ Medicare Part A ☐ Vision ☐ Veterans ☐ Medicare Part B ☐ Nursing Home ☐ Accident/Workers Comp ☐ Medicare Part D ☐ Cancer ☐ Major Medical/Lab/X-ray
							☐ Hospital ☐ Champus/Tri Care ☐ HMO Insurance ☐ Doctor ☐ Medicare Supplement/Advantage ☐ Court Ordered ☐ Dental ☐ Prescription Medication ☐ Medicare Part A ☐ Vision ☐ Veterans ☐ Medicare Part B ☐ Nursing Home ☐ Accident/Workers Comp ☐ Medicare Part D ☐ Cancer ☐ Major Medical/Lab/X-ray

Does anyone outside the household pay the premium? ☐ Yes ☐ No If yes, who pays premium?

Does anyone expect a change in health insurance coverage? ☐ Yes ☐ No If yes, why?

Did anyone in your household have health insurance cancelled or stopped within the last six months? ☐ Yes ☐ No If yes, who: Date: Reason:

Does any household member's employer offer health insurance? ☐ Yes ☐ No If yes, does the employer pay 50% or more of the premium? ☐ Yes ☐ No If yes, name of insurance:

12 Tell Us About Your Primary Care Provider (PCP) - List the Primary Care Provider (doctor, clinic or HMO) for each person in the household. (Not needed for refugees, disabled persons, or anyone age 65 or older)

If someone is determined eligible for health care coverage through the Medicaid program, he or she will have to choose a Primary Care Provider before benefits will be paid to the doctor, clinic, or HMO.

Household Member(s)	Name Of Provider	Household Member(s)	Name Of Provider

13 Tells About Your Medical Bills

Does any household member have unpaid medical bills for any of the past 3 months for which you would like assistance? ☐ Yes ☐ No If yes, which months: _____
(If you would like assistance with these bills, you must attach proof of income and child care expenses for each month with unpaid medical bills.)

Does any household member have unpaid medical bills older than three months? ☐ Yes ☐ No If yes, provide proof of unpaid amounts owed, the date of service, the type of service, and the provider of the service. Providing this information may help reduce the amount you have to pay out of your pocket for future medical bills.

Has any household member turned down or dropped medical coverage from a current employer because of the cost? ☐ Yes ☐ No Medicaid may be able to help pay the cost of this insurance.

Does any household member have medical problems due to an accident? ☐ Yes ☐ No

Has anyone living in your household received help with health care coverage from another state during the past three months? ☐ Yes ☐ No If yes, which state?

14 Tell Us About Your Household Assets - Answering this question may help North Dakota get additional funding for health care programs. (Your answer will not affect eligibility or amount of benefits you may receive.)

Are your household assets (do not count one vehicle, your home, clothing, household goods, or property used as part of a business) higher than $6,000? ($3,000 if you are the only person in your household) ☐ Yes ☐ No

15 Other Services

CARING FOR CHILDREN PROGRAM

If children listed on this application are not eligible for health care coverage through either the Medicaid or Healthy Steps program, they may be eligible for the Caring for Children program. This program is offered by a private nonprofit organization called the North Dakota Caring Foundation.

If you have children who are not eligible for health care coverage through either the Medicaid or Healthy Steps program, information from this application may be forwarded to the Caring for Children program so they can determine if your children are eligible for their program. If you **DO NOT** want us to forward information to the Caring for Children program, please check the box below.

☐ Check this box if you **DO NOT** want us to forward information to the Caring for Children program.

Please note that the North Dakota Department of Human Services and county social service offices do not determine eligibility for the Caring for Children program and any appeal of their decision regarding that program must be made to the North Dakota Caring Foundation.

MEDICAL COVERAGE

The Child Support Enforcement Division (CSED) may help children get medical coverage from parents who do not live in the home and who are or can be court ordered to provide medical coverage. If a child is eligible for Medicaid and a parent is absent from the home, a referral to CSED may be made. A referral will not be made for children who are eligible for the Healthy Steps (State Children's Health Insurance Program). If you have a child eligible for the Healthy Steps (State Children's Health Insurance Program) and would like assistance from the CSED, please contact them at 1-800-231-4255.

If you are interested in Medicaid coverage for yourself or your children and do not want assistance from CSED because your cooperation might not be in the best interest of your child (example: domestic violence situation), you may claim "good cause." If you claim "good cause," you will be asked to provide additional information so "good cause" can be established.

Are you interested in claiming "good cause"? ☐ Yes ☐ No Claiming "good cause" or failure to cooperate with CSED will not affect your child's eligibility.

If you choose not to cooperate with CSED efforts and you have not claimed 'good cause' or your claim of 'good cause' has been denied, you will not be eligible for Medicaid coverage. However, your children will continue to be eligible for Medicaid or Healthy Steps coverage, provided they meet all other program requirements.

16 [redacted]Us How Or Where You Found Out About Health Care Coverage (Check One)

- ☐ Business/Service Club
- ☐ Caring For Children Program
- ☐ Daycare
- ☐ Faith-Based Organization
- ☐ Food Pantry
- ☐ Friend/Relative
- ☐ Head Start
- ☐ Insurance Agent
- ☐ Internet
- ☐ WIC
- ☐ Medical Provider
- ☐ Pharmacy
- ☐ Public Health Agency
- ☐ Radio
- ☐ Television
- ☐ Newspaper/Magazine/Newsletter
- ☐ Social Service Agency
- ☐ Capitol in Bismarck
- ☐ Other

17. Tell Us Where You Got This Application (Check One)

- ☐ 1-877-KIDS-NOW
- ☐ Caring For Children Program
- ☐ Community Resource Coordinator
- ☐ Daycare
- ☐ Faith-Based Organization
- ☐ Food Pantry
- ☐ Friend/Relative
- ☐ Head Start
- ☐ Insurance Agent
- ☐ Internet
- ☐ Medical Provider
- ☐ Pharmacy
- ☐ School
- ☐ Public Health Agency
- ☐ Social Service Agency
- ☐ WIC
- ☐ Capitol in Bismarck
- ☐ Other

18. Read The Following:

I certify that all the information I have provided on this application is true and correct to the best of my knowledge. I understand that if I give incorrect or false information or if I fail to report changes within 10 days, I may be required to repay any benefits I receive. I understand that state and federal laws provide for fine, imprisonment, or both for any person convicted of withholding or providing false information to obtain Medicaid or Healthy Steps benefits to which he or she is not entitled. I know that the information I have given may be reviewed and verified by the North Dakota Department of Human Services or county social services staff. If my case is reviewed, I understand that I must cooperate fully.

I understand that the information I have provided will be kept confidential and is only used to determine eligibility or provide services.

I understand that this application will be considered without regard to race, color, sex, age, disability, religion, political belief, or national origin.

I understand social security numbers may be used to check the identity of household members, to prevent duplicate participation, to monitor compliance with program regulations, for official examinations by Federal or State agencies, and to make mass changes. The social security number is also used to check information in our records against other Federal, State or local government computer matching systems which may affect eligibility and benefits, including but not limited to the IRS, SSA, and Department of Labor.

I understand that I may request a fair hearing if I disagree with any decision to deny, reduce or end Medicaid or Healthy Steps benefits. Hearings must be requested within 30 days of a decision.

I understand that when a person receives Medicaid, that person gives the state the right to payments from a third party for medical services received and must report within 10 days of receiving payment, any third party payments (example: accident settlement) received for medical care.

I understand that if a parent wants Medicaid coverage and is not pregnant or does not have "good cause," the parent must cooperate with child support enforcement when the other parent does not live in the home. Claiming "good cause" or failure to cooperate with Child Support Enforcement will not affect a child's eligibility.

I understand that unless I have indicated otherwise by checking the box in Section 15 on page 5 of this application, information may be forwarded to the Caring for Children program so they can determine if any of the children listed on this application are eligible for their program.

AUTHORIZATION TO RELEASE INFORMATION

I/We authorize any person having custody or knowledge of the information relating to me or other household members to disclose any requested information, including confidential information other than protected health information, to any authorized agent of the North Dakota Department of Human Services. I also authorize the North Dakota Department of Human Services and the carrier providing Healthy Steps insurance to release to each other information regarding any services or benefits provided under the Healthy Steps (State Children's Health Insurance Program). This authorization will remain valid until revoked in writing or until coverage ends. A copy of this authorization is as valid as the original.

Signature of Applicant:	Date: