

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

1 A BILL for an Act to create and enact three new sections to chapter 15.1-37 of the North Dakota  
2 Century Code, relating to prekindergarten programs; to amend and reenact section 15.1-37-01  
3 of the North Dakota Century Code, relating to prekindergarten program approval; and to provide  
4 an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-37-01. Early childhood education program - Approval.**

- 9 1. Any person or school district operating an early childhood education program may  
10 request approval of the program from the superintendent of public instruction. The  
11 superintendent shall approve an early childhood education program if the program:  
12 ~~4-~~ a. Is taught by individuals who are licensed to teach in early childhood education  
13 by the education standards and practices board;  
14 ~~2-~~ b. Follows a developmentally appropriate curriculum; and  
15 ~~3-~~ c. Is in compliance with all municipal and state health, fire, and safety  
16 requirements.

17 ~~Per student funding will not be provided to individuals or school districts offering a~~  
18 ~~prekindergarten program.~~

- 19 2. For purposes of this section, "early childhood education program" includes a  
20 prekindergarten program established under section 2 of this Act.

21 **SECTION 2.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Prekindergarten program - Authority.** The board of a school district may establish a  
24 prekindergarten program. The program must be available to students who are at least four

years old by midnight, August thirty-first of the year of enrollment, but who are not enrolled in a public school kindergarten program. The enrollment of a student in a prekindergarten program is voluntary.

**SECTION 3.** A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

**Prekindergarten program - Facilities.** A prekindergarten program established under section 2 of this Act may be located in a public school building, if space is available, or in any other setting that meets local and state health, fire, and safety laws.

**SECTION 4.** A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

**Prekindergarten program - Financial support.** The board of a school district may provide financial support for a prekindergarten program by:

1. Receiving and expending state or federal moneys specifically appropriated for the support of a prekindergarten program;
2. Receiving and expending any gifts, grants, and donations, unless their use for this purpose is otherwise limited; and
3. Expending state aid dollars received by the district for the support of students attending school in the district, provided that, during a school year, the expenditure permitted by this subsection does not exceed an amount equal to one thousand dollars multiplied by the number of full-time equivalent students enrolled in the prekindergarten program.

**SECTION 5. APPROPRIATION.** 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 up to ten grants, each in an amount not exceeding \$50,000, to eligible school districts that offer prekindergarten programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

1. In awarding grants under this section, the superintendent of public instruction shall:
  - a. Give preference to eligible school districts that are offering prekindergarten programs for the first time or significantly expanding existing programs; and

- 1                   b.    Attempt to balance the grants equitably among large and small eligible school
- 2                         districts and among urban and rural eligible school districts.
- 3            2.    For purposes of this section, an "eligible school district" is one that:
- 4                   a.    Offers a full-day or a half-day prekindergarten program, approved by the
- 5                         superintendent of public instruction under section 14.1-37-01;
- 6                   b.    Does not limit the prekindergarten program to at-risk students;
- 7                   c.    Does not require that parents pay a fee or other charge as a condition of
- 8                         enrollment or participation in the prekindergarten program; and
- 9                   d.    Supports the prekindergarten program in an amount at least equal to that
- 10                        received as a grant under this section.