

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative R. Kelsch

A BILL for an Act to create and enact 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 15-20.1, three new sections to chapter 15.1-06, four new sections to chapter 15.1-21, one new section to chapter 15.1-27, and four new sections to chapter 15.1-37 of the North Dakota Century Code, relating to school personnel, program and course requirements, assessments, career development facilitation, state aid payments, and early childhood education; to amend and reenact sections 15.1-06-04, 15.1-09-10, 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, 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, special education, and early childhood education; to provide for a commission on education improvement; to provide for the distribution of transportation grants, reorganization planning grants, deferred maintenance grants, and contingency payments; to provide for a contingent transfer; to repeal sections 15.1-21-02.2 and 15.1-27-20.1 of the North Dakota Century Code, relating to high school graduation requirements and the minimum mill levy offset; 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

1 c. Successfully completes the department's programmatic requirements.

2 2. An individual holding a certificate awarded under this section is a career advisor.

3 **SECTION 2.** A new section to chapter 15-20.1 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Career development facilitation - Provisional approval.**

6 1. The department may provisionally approve an individual to serve as a career
7 advisor if the individual:

8 a. Holds a baccalaureate degree from an accredited institution of higher
9 education;

10 b. Has at least a five year employment history; and

11 c. Provides the department with a plan for completing the department's
12 programmatic requirements within a two year period.

13 2. Provisional approval under subsection 1 is valid for a period of two years and may
14 not be extended by the department.

15 **SECTION 3. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-06-04. School calendar - Length.**

18 1. a. During each the 2009-10 school year, a school district shall provide for a
19 school calendar of at least one hundred eighty days, apportioned as follows:

20 a- (1) One hundred seventy-three full days of instruction;

21 b- (2) Three holidays listed in subdivisions b through j of subsection 1 of
22 section 15.1-06-02 and selected by the school board in consultation
23 with district teachers;

24 e- (3) Up to two full days during which parent-teacher conferences are held or
25 which are deemed by the school board to be compensatory time for
26 parent-teacher conferences held outside regular school hours; and

27 d- (4) Two days for professional development activities.

28 b. Beginning with the 2010-11 school year, a school district shall provide for a
29 school calendar of at least one hundred eighty days, apportioned as follows:

30 (1) One hundred seventy-four full days of instruction;

- 1 (2) Three holidays listed in subdivisions b through j of subsection 1 of
2 section 14.1-06-02 and selected by the school board in consultation
3 with district teachers;
4 (3) Up to two full days during which parent-teacher conferences are held or
5 which are deemed by the school board to be compensatory time for
6 parent-teacher conferences held outside regular school hours; and
7 (4) Two days for professional development activities.
- 8 2. a. In meeting the requirements for two days of professional development
9 activities under subsection 1, a school district may require that its teachers
10 attend the North Dakota education association instructional conference and
11 may pay teachers for attending the conference, provided attendance is
12 verified.
- 13 b. In meeting the requirements for two days of professional development
14 activities under subsection 1, a school district may consider attendance at the
15 North Dakota education association instructional conference to be optional,
16 elect not to pay teachers for attending the instructional conference, and
17 instead direct any resulting savings toward providing alternate professional
18 development opportunities.
- 19 c. For purposes of this section, a "day for professional development activities"
20 means:
- 21 (1) Six hours of professional development activities, exclusive of meals and
22 other breaks, conducted within a single day; or
- 23 (2) Two four-hour periods of professional development activities, exclusive
24 of meals and other breaks, conducted over two days.
- 25 3. If a school district offers a four-hour period of professional development activities,
26 as permitted in subdivision c of subsection 2, the school district may schedule
27 instruction during other available hours on that same day and be credited with
28 providing one-half day of instruction to students. The provisions of this subsection
29 do not apply unless the one-half day of instruction equals at least one-half of the
30 time required for a full day of instruction, as defined in this section.

1 4. A school district may not require the attendance of teachers in school or at any
2 school-sponsored, school-directed, school-sanctioned, or school-related activities
3 and may not schedule classroom instruction time nor alternate professional
4 development activities on any day that conflicts with the North Dakota education
5 association instructional conference.

6 5. a. ~~During the 2007-08 school year, a full day of instruction consists of:~~

7 (1) ~~At least five and one-half hours for elementary students, during which~~
8 ~~time the students are required to be in attendance for the purpose of~~
9 ~~receiving curricular instruction; and~~

10 (2) ~~At least six hours for high school students, during which time the~~
11 ~~students are required to be in attendance for the purpose of receiving~~
12 ~~curricular instruction.~~

13 b. ~~Beginning with the 2008-09 school year, a full day of instruction consists of:~~

14 (1) At least five and one-half hours for kindergarten and elementary
15 students, during which time the students are required to be in
16 attendance for the purpose of receiving curricular instruction; and

17 (2) At least six hours for high school students, during which time the
18 students are required to be in attendance for the purpose of receiving
19 curricular instruction.

20 b. Notwithstanding the provisions of subdivision a, up to four days of the one
21 hundred eighty days of full instruction required by subsection 1 may be
22 configured as follows:

23 (1) At least four hours for kindergarten and elementary students, during
24 which time the students are required to be in attendance for the
25 purpose of receiving curricular instruction and at least one and one-half
26 hours during which students are not required to be in attendance but
27 teachers are required to participate with other teachers in collaborative
28 or cooperative activities pertaining to curriculum, classroom practices,
29 and the interpretation and use of formative testing data; and

30 (2) At least for and one-half hours for high school students, during which
31 time the students are required to be in attendance for the purpose of

1 receiving curricular instruction and at least one and one-half hours
2 during which students are not required to be in attendance but teachers
3 are required to participate with other teachers in collaborative or
4 cooperative activities pertaining to curriculum, classroom practices, and
5 the interpretation and use of formative testing data.

6 6. If a school's calendar provides for an extension of each schoolday beyond the
7 statutorily required minimum number of hours, and if the extensions when
8 aggregated over an entire school year amount to more than eighty-four hours of
9 additional classroom instruction during the school year, the school is exempt from
10 having to make up six hours of instruction time lost as a result of weather-related
11 closure. In order to make up lost classroom instruction time beyond the six hours,
12 the school must extend its normal school calendar day by at least thirty minutes.

13 7. A school that does not qualify under the provisions of subsection 6 must extend its
14 normal schoolday by at least thirty minutes to make up classroom instruction time
15 lost as a result of weather-related closure.

16 8. If because of weather a school must dismiss before completing a full day of
17 instruction, the school is responsible for making up only those hours and portions
18 of an hour between the time of early dismissal and the conclusion of a full day of
19 classroom instruction.

20 **SECTION 4.** A new section to chapter 15.1-06 of the North Dakota Century Code is
21 created and enacted as follows:

22 **Elementary school tutors - Requirement for accreditation - Qualifications -**
23 **Verification report.**

24 1. Beginning with the 2010-11 school year, an elementary school seeking
25 accreditation from the superintendent of public instruction shall demonstrate that it
26 has available one full-time-equivalent tutor for every four hundred students in
27 average daily membership in kindergarten through grade three. The individual
28 serving as a tutor must meet the qualifications of an elementary school teacher set
29 forth in section 15.1-18-07.

30 2. For purposes of accreditation, the school shall submit to the superintendent of
31 public instruction, at the time and in the manner directed by the superintendent,

1 documentation verifying the amount of time that the individual expended in tutoring
2 students, on a one-to-one basis or in groups ranging from two to five students, and
3 demonstrating that the tutoring activities took place within a structured plan to
4 provide academic assistance to students.

5 **SECTION 5.** A new section to chapter 15.1-06 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Counselor positions - Requirement for accreditation.**

- 8 1. A school seeking accreditation from the superintendent of public instruction shall
9 demonstrate that it has available one full-time equivalent counselor for every three
10 hundred students in grades seven through twelve.
- 11 2. Up to one-third of the full-time equivalency requirement established in subsection 1
12 may be met by career advisors.
- 13 3. For purposes of this section, a "career advisor" means an individual who holds a
14 certificate in career development facilitation issued by the department of career
15 and technical education under section _____ of this Act or an individual who is
16 provisionally approved by the department of career and technical education under
17 section _____ of t his Act to serve as a career advisor.

NOTE: Section has blanks to fill in.

18 **SECTION 6.** A new section to chapter 15.1-06 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Career advisor - Duties.** A career advisor shall meet with students in grades seven
21 through twelve, discuss the student's academic assessments and career interest surveys, and
22 pursue with the student career development and work planning activities. A career advisor
23 shall work at the direction and under the supervision of the school district counseling staff.

24 **SECTION 7. AMENDMENT.** Section 15.1-09.1-10 of the North Dakota Century Code
25 is amended and reenacted as follows:

26 **15.1-09.1-10. State aid - Payable to a regional education association - Obligation**
27 **of district.**

- 28 1. The superintendent of public instruction shall forward the portion of a school
29 district's state aid that is payable by the superintendent, under subdivision q of
30 subsection 1 of section 15.1-27-03.1, as a result of the district's participation in a

1 regional education association directly to the association in which the district
2 participates. The superintendent shall forward the amount payable under this
3 subsection at the same time and in the same manner as provided for other state
4 aid payments under section 15.1-27-01.

- 5 2. If the superintendent of public instruction determines that a school district failed to
6 meet any contractual or statutory obligation imposed upon it as a result of the
7 district's participation in a regional education association, the superintendent shall
8 subtract the amount for which the district was not eligible from any future
9 distribution of state aid to the district under section 15.1-27-01.

10 **SECTION 8. AMENDMENT.** Section 15.1-21-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-21-02. High schools - Required units.**

- 13 1. In order to be approved by the superintendent of public instruction, each public and
14 nonpublic high school shall make available to each student:
- 15 a. Four units of English language arts;
 - 16 b. Four units of mathematics;
 - 17 c. Four units of science;
 - 18 d. Four units of social studies, including one of world history and one of United
19 States history;
 - 20 e. One-half unit of health;
 - 21 f. ~~One-half~~ One unit of physical education during each school year, provided
22 that once every four years the unit must be a concept-based fitness class that
23 includes instruction in the assessment, improvement, and maintenance of
24 personal fitness;
 - 25 g. Two units of fine arts, at least one of which must be music;
 - 26 h. ~~Two~~ Three units of foreign or native American languages, at least two of
27 which must be of the same foreign or native American language; and
 - 28 i. Two units of career and technical education.
- 29 2. In addition to the requirements of subsection 1, each public and nonpublic high
30 school shall make available to each student, at least once every two years,

- 1 one-half unit of North Dakota studies, with an emphasis on the geography, history,
2 and agriculture of this state.
- 3 3. Each unit which must be made available under this section must meet or exceed
4 the state content standards.
- 5 4. For purposes of this section, unless the context otherwise requires, "make
6 available" means that:
 - 7 a. Each public high school and nonpublic high school shall allow students to
8 select units over the course of a high school career from a list that includes at
9 least those required by this section;
 - 10 b. If a student selects a unit from the list required by this section, the public high
11 school or the nonpublic high school shall provide the unit to the student; and
 - 12 c. The unit may be provided to the student through any delivery method not
13 contrary to state law and may include classroom or individual instruction and
14 distance learning options, including interactive video, computer instruction,
15 correspondence courses, and postsecondary enrollment under chapter
16 15.1-25.
- 17 5. The board of a school district may not impose any fees or charges upon a student
18 for the provision of or participation in units as provided in this section, other than
19 the fees permitted by section 15.1-09-36.
- 20 6. If in order to meet the minimum requirements of this section a school district
21 includes academic courses offered by a postsecondary institution under chapter
22 15.1-25, the school district shall:
 - 23 a. Pay all costs of the student's attendance, except those fees that are
24 permissible under section 15.1-09-36; and
 - 25 b. Transport the student to and from the location at which the course is offered
26 or provide mileage reimbursement to the student if transportation is provided
27 by the student or the student's family.
- 28 7. The requirements of this section do not apply to alternative high schools or
29 alternative high school education programs.
- 30 8. The requirements of subdivisions g and h of subsection 1 do not apply to the North
31 Dakota youth correctional center.

SECTION 9. 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 requirements. ~~Before~~ Except as provided in sections 15.1-21-02.3, 15.1-21-02.4, and 15.1-21-02.5, 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 the following~~ twenty-one 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. a. Three units of mathematics, including:
 - (1) One unit of Algebra I;
 - (2) One unit of Geometry; and
 - (3) One unit of Algebra II or consumer mathematics; or
- b. Three units of mathematics from an integrated mathematics series approved by the superintendent of public instruction;
3. Three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. One unit of life science, chemistry, physics, earth science, or space 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
 - (3) One unit of:
 - c. One unit of:
 - (1) World history;
 - (2) World history and civilization;

- 1 (3) Geography;
- 2 (4) Psychology; or
- 3 (5) Sociology, provided that up to one-half unit may be either North Dakota
- 4 studies or multicultural studies;
- 5 5. a. One unit of physical education; or
- 6 b. (1) One-half unit of physical education; and
- 7 (2) One-half unit of health;
- 8 6. Three units of:
- 9 a. Foreign languages;
- 10 b. Native American languages;
- 11 c. Fine arts;
- 12 d. Career and technical education courses; and
- 13 7. Any four additional units.
- 14 **SECTION 10.** Section 15.1-21-02.3 of the North Dakota Century Code is created and
- 15 enacted as follows:
- 16 **15.1-21-02.3. General high school diploma - Requirements.** If after completing at
- 17 least two years of high school, a student has failed at least three units listed in section
- 18 15.1-21-02.1 and has a grade point average at or below the twenty-fifth percentile of other
- 19 students in the district who are enrolled in the same grade, the student may request that the
- 20 student's career advisor, guidance counselor, or principal meet with the student and the
- 21 student's parent to determine if the student should be permitted to pursue a general high school
- 22 curriculum, in place of the requirements set forth in section 15.1-21-02.1. If a student's parent
- 23 consents in writing to the student pursuing the general high school curriculum, the student is
- 24 eligible to receive a general high school diploma, upon successfully completing the following
- 25 requirements:
- 26 1. Four units of English language arts from a sequence that includes literature,
- 27 composition, and speech;
- 28 2. a. One unit of Algebra I; and
- 29 b. (1) One unit of consumer mathematics; or
- 30 (2) One unit of an integrated mathematics series approved by the
- 31 superintendent of public instruction;

3. One unit of:

- a. Life science or biology;
- b. Physical science, chemistry, and physics; or
- c. Earth science and space science.

4. Three units of social studies;

5. a. One unit of physical education; or

- b. (1) One-half unit of physical education; and
- (2) One-half unit of health;

6. Two units of:

- a. (1) Foreign languages;
- (2) Native American languages; and
- (3) Native American languages; and
- (4) Fine arts; or

- b. Career and technical education courses; and

7. Any seven additional units.

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. Merit diploma - Technical honors - Requirements. In lieu of the requirements set forth in section 15.1-21-02.1, a student is eligible to receive a merit diploma with technical honors upon receiving at least a grade of "C" in each unit required for the diploma, receiving a cumulative grade point average of at least "B", and successfully completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. a. Three units of mathematics, including:

- (1) One unit of Algebra I;
- (2) One unit of Geometry; and
- (3) One unit of Algebra II or consumer mathematics; or

- b. Three units of mathematics from an integrated mathematics series approved by the superintendent of public instruction;

3. Three units of science, including:

- 1 a. One unit of physical science;
- 2 b. One unit of biology; and
- 3 c. One unit of life science, chemistry, physics, earth science, or space science;
- 4 4. Three units of social studies, including:
- 5 a. One unit of United States history;
- 6 b. (1) One-half unit of United States government and one-half unit of
- 7 economics; or
- 8 (2) One unit of problems of democracy; and
- 9 c. One unit of:
- 10 (1) World history;
- 11 (2) World history and civilization;
- 12 (3) Geography;
- 13 (4) Psychology; or
- 14 (5) Sociology, provided that up to one-half unit may be either North Dakota
- 15 studies or multicultural studies;
- 16 5. a. One unit of physical education; or
- 17 b. (1) One-half unit of physical education; and
- 18 (2) One-half unit of health;
- 19 6. Four units of:
- 20 a. A career and technical education program; or
- 21 b. A career or industry-based work experience.
- 22 7. Any four additional units.

23 **SECTION 12.** Section 15.1-21-02.5 of the North Dakota Century Code is created and
24 enacted as follows:

25 **15.1-21-02.5. Merit diploma - Academic honors - Requirements.** In lieu of the
26 requirements set forth in section 15.1-21-02.1, a student is eligible to receive a merit diploma
27 with an academic honors upon receiving at least a grade of "C" in each unit required for the
28 diploma or receiving at least a "C" on an end-of-course examination, receiving a cumulative
29 grade point average of at least "B", receiving a composite score of at least twenty-four of an
30 ACT or a score of at least one thousand two hundred on the critical reading and mathematics
31 portions of the SAT, completing at least one unit of an advanced placement course and exam

or completing one unit of a dual credit course, and successfully completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Four units of mathematics, including:
 - a. One unit of Algebra I;
 - b. One unit of Geometry; and
 - c. One unit of Algebra II;
3. Three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. One unit of life science, chemistry, physics, earth science, or space 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 of:
 - (1) World history;
 - (2) World history and civilization;
 - (3) Geography;
 - (4) Psychology; or
 - (5) Sociology, provided that up to one-half unit may be either North Dakota studies or multicultural studies;
5. a. One unit of physical education; or
b. (1) One-half unit of physical education; and
(2) One-half unit of health;
6. Three units of a foreign or native American language, provided at least two of the units are of the same language;
7. One unit of fine arts; and
8. Any four additional units.

1 **SECTION 13.** Section 15.1-21-02.6 of the North Dakota Century Code is created and
2 enacted as follows:

3 **15.1-21-02.6. Completion of requirements - Certificate of achievement.** If a student
4 successfully completes the requirements for a merit diploma with technical honors or a merit
5 diploma with academic honors, the principal or administrator of the school in which the student
6 is enrolled shall notify the superintendent of public instruction. This section is applicable to any
7 student who graduates at the conclusion of the 2011-2012 school year and to any student who
8 graduates thereafter.

9 **SECTION 14.** Section 15.1-21-02.7 of the North Dakota Century Code is created and
10 enacted as follows:

11 **15.1-21-02.7. Certificate of achievement - Eligibility for scholarship.**

- 12 1. Any student who has been awarded a certificate of achievement under section
13 15.1-21-02.6 is entitled to receive, from the state board of higher education, a
14 scholarship in the amount of one thousand five hundred dollars per year, for each
15 year during which the student is enrolled full-time at an accredited institution of
16 higher education in this state.
- 17 2. A student is not entitled to receive more than six thousand dollars under this
18 section.
- 19 3. The state board of higher education shall forward the scholarship directly to the
20 institution in which the student is enrolled.
- 21 4. A scholarship under this section is valid only for six academic years after the
22 student's graduation from high school.

NOTE: If a student attends a high school in a bordering state (cross-border attendance provisions/tuition agreements/boarding school) and graduates with at least the required courses, is the student eligible for the scholarship?

Clarify whether this is limited to full-time students or can be prorated.

If a student is able to complete a baccalaureate degree program in 3 or 3 1/2 years, (dual credit, summer school) is the student still entitled to \$1,500 x 4 = \$6,000?

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

1 **Summer school courses and programs - Eligibility for payment.** The summer
2 school courses and programs for which a school district may received payment, as provided in
3 section 15.1-27-10, are:

- 4 1. a. Remedial mathematics provided to students enrolled in any grade from
5 kindergarten through eight;
6 b. Remedial reading provided to students enrolled in any grade from
7 kindergarten through eight;
8 c. Mathematics provided to students enrolled in any grade from five through
9 nine;
10 d. Reading provided to students enrolled in any grade from five through nine;
11 e. Science provided to students enrolled in any grade from five through nine;
12 and
13 f. Social studies provided to students enrolled in any grade from five through
14 nine; and
15 2. Any other high school summer courses that satisfy requirements fro graduation,
16 comprise at least as many clock hours as courses offered during the regular school
17 term, and comply with rules adopted by the superintendent of public instruction.

18 **SECTION 16.** A new section to chapter 15.1-21 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Formative assessment - Requirement for accreditation.** A school seeking
21 accreditation from the superintendent of public instruction shall demonstrate that it administers
22 to students in grades two through twelve a formative assessment approved by the
23 superintendent of public instruction.

24 **SECTION 17.** A new section to chapter 15.1-21 of the North Dakota Century Code is
25 created and enacted as follows:

26 **Career interest inventory assessment - Requirement for accreditation.** A school
27 seeking accreditation from the superintendent of public instruction shall demonstrate that it
28 administers to students in grades seven through ten a career interest inventory assessment
29 approved by the superintendent of public instruction.

30 **SECTION 18.** A new section to chapter 15.1-21 of the North Dakota Century Code is
31 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, WorkKeys, or any other summative assessment approved by the superintendent of public instruction. The student shall determine which assessment to take. The student's school district is responsible for the cost of the assessment and for its administrations.
2. If the student's school district employs a career advisor or a guidance counselor, that individual 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 IEP plan or if the superintendent determines that other special circumstances exist.

NOTE: The CEI report provides that each school district shall require students to take one of the listed tests "at least once during their high school careers." How many times will the state pay for the test? Will the student be able to determine which test to take or will the school or school district select the test for all the students? If the state is going to use the test results to determine whether students are ready for college or work, it might be preferable to select a grade level at which the tests will be administered.

SECTION 19. 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;

- 1 f. 0.25 the number of full-time equivalent students enrolled in an isolated
2 elementary school;
- 3 g. 0.25 the number of full-time equivalent students enrolled in an isolated high
4 school;
- 5 h. 0.20 the number of full-time equivalent students attending school in a
6 bordering state in accordance with section 15.1-29-01;
- 7 i. 0.20 the number of full-time equivalent students who on a test of English
8 language proficiency approved by the superintendent of public instruction are
9 determined to be least proficient and are enrolled in a program of instruction
10 for English language learners;
- 11 j. 0.20 the number of students enrolled during the 2010-11 school year in an
12 early childhood education program approved under section 15.1-37-01 and
13 having a duration at least equivalent to one full-day of instruction during each
14 week of the school calendar;
- 15 k. 0.17 the number of full-time equivalent students enrolled in an early childhood
16 special education program;
- 17 ~~j.~~ l. 0.14 the number of full-time equivalent students enrolled in a new immigrant
18 English language learner program;
- 19 ~~k.~~ m. ~~0.067~~ 0.07 the number of students enrolled in average daily membership, in
20 order to support the provision of special education services; and
- 21 n. 0.05 the number of students representing that percentage of the total number
22 of students in average daily membership, which is equivalent to the three year
23 average percentage of students in grades one through eight who are eligible
24 for free or reduced lunches under the Richard B Russell National School
25 Lunch Act, 42 U.S.C. 1751 et seq.;
- 26 o. 0.05 the number of full-time equivalent students who on a test of English
27 language proficiency approved by the superintendent of public instruction are
28 determined to be not proficient and are enrolled in a program of instruction for
29 English language learners;
- 30 ~~l.~~ p. 0.02 the number of full-time equivalent students, ~~other than those provided for~~
31 ~~in subdivision j,~~ 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 ~~an~~ a program of instruction for English language learner-program learners; and.

q. 0.01 the number of full-time equivalent students in grades seven through twelve who are enrolled 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 20. 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 ~~forty~~ sixty 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~~ five hundred ~~twenty-five~~ eighty-five 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 21. 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. a. ~~The~~ Except as provided in subdivision b, the superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:
 - ~~a-~~ (1) Adding together all state aid received by the district during the 2006-07 school year;
 - ~~b-~~ (2) 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

e. (3) Dividing the amount determined under ~~subdivision b~~ paragraph 2 by the district's 2007-08 weighted student units.

b. If in carrying out subdivision a the superintendent of public instruction determines that the amount of federal impact aid received by a school district dURING the 2006-07 school year results in that district losing state aid under section 15.1-27-35.3, the superintendent shall calculate that district's baseline by:

(1) 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 was used, rather than the actual amount received during the 2006-07 school year;

(2) 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 regional education associations; and

(3) Dividing the amount determined under paragraph 2 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~~

1 twelve and one-half percent of the baseline funding per weighted student unit,
2 as established in subsection 1.

- 3 3. a. The superintendent of public instruction shall ensure that the total amount of
4 state aid payable to a district per weighted student unit, less any amount
5 received as equity payments under section 15.1-27-11 per weighted student
6 unit, does not exceed, for the ~~2007-08~~ 2009-10 school year, one hundred
7 ~~seven~~ twenty percent of the baseline funding per weighted student unit, as
8 established in subsection 1.

- 9 b. ~~Beginning with the 2008-09 school year, the maximum percentage of~~
10 ~~allowable growth in the baseline funding per weighted student unit provided in~~
11 ~~subdivision a must be annually increased by three percentage points, plus the~~
12 ~~district's share of any increased state aid for that year. Payments received by~~
13 ~~districts for the provision of full-day kindergarten do not constitute increases in~~
14 ~~state aid for purposes of this subdivision. The superintendent of public~~
15 instruction shall ensure that the total amount of state aid payable to a district
16 per weighted student unit, less any amount received as equity payments
17 under section 15.1-27-11 per weighted student unit, does not exceed, for
18 each school year after the 2009-10 school year, one hundred thirty-four
19 percent of the baseline funding per weighted student unit, as established in
20 subsection 1

21 **SECTION 22. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-27-11. Equity payments.**

- 24 1. The superintendent of public instruction shall:
25 a. Divide the imputed taxable valuation of the state by the total average daily
26 membership of all school districts in the state in order to determine the state
27 average imputed taxable valuation per student.
28 b. Divide the imputed taxable valuation of each school district by the district's
29 total average daily membership in order to determine each district's average
30 imputed taxable valuation per student.

- 1 2. ~~a. If a school district's imputed taxable valuation per student is less than~~
2 ~~eighty-eight and one-half percent of the statewide imputed taxable valuation~~
3 ~~per student, the superintendent of public instruction shall calculate the~~
4 ~~valuation deficiency by:~~
5 ~~(1) Determining the difference between eighty-eight and one-half percent of~~
6 ~~the state average imputed taxable valuation per student and the~~
7 ~~district's average imputed taxable valuation per student; and~~
8 ~~(2) Multiplying that difference by the district's total average daily~~
9 ~~membership.~~
10 ~~b. Beginning July 1, 2008, if~~ If a school district's imputed taxable valuation per
11 student is less than ninety percent of the statewide imputed taxable valuation
12 per student, the superintendent of public instruction shall calculate the
13 valuation deficiency by:
14 ~~(1)~~ a. Determining the difference between ninety percent of the state average
15 imputed taxable valuation per student and the district's average
16 imputed taxable valuation per student; and
17 ~~(2)~~ b. Multiplying that difference by the district's total average daily
18 membership.
19 3. Except as provided in subsection 4, the equity payment to which a district is
20 entitled under this section equals the district's valuation deficiency multiplied by the
21 lesser of:
22 a. The district's general fund mill levy; or
23 b. One hundred eighty-five mills.
24 4. a. The equity payment to which a district is entitled may not exceed the district's
25 taxable valuation multiplied by its general fund mill levy.
26 b. If a district's general fund levy is less than one hundred eighty-five mills, the
27 superintendent of public instruction shall subtract the district's general fund
28 mill levy from one hundred eighty-five mills, multiply the result by the district's
29 taxable valuation, and subtract that result from the equity payment to which
30 the district is otherwise entitled.

1 c. If a district's imputed taxable valuation per student is less than fifty percent of
2 the statewide imputed taxable valuation per student, the payment to which the
3 district is entitled under this section may not be less than twenty percent of the
4 statewide imputed taxable valuation per student times the school district's
5 average daily membership, multiplied by one hundred eighty-five mills.

6 5. In determining the amount to which a school district is entitled under this section,
7 the superintendent of public instruction may not include any payments received by
8 the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236
9 et seq.] and may not include in the district's average daily membership students
10 who are dependents of members of the armed forces and students who are
11 dependents of civilian employees of the department of defense.

12 6. For purposes of this section:

13 a. "General fund levy" includes a district's high school transportation levy and its
14 high school tuition levy.

15 b. "Imputed taxable valuation" means the valuation of all taxable real property in
16 the district plus an amount determined by dividing sixty percent of the district's
17 mineral and tuition revenue by the district's general fund mill levy. Beginning
18 July 1, 2008, "imputed taxable valuation" means the valuation of all taxable
19 real property in the district plus an amount determined by dividing seventy
20 percent of the district's mineral and tuition revenue by the district's general
21 fund mill levy.

22 c. "Mineral revenue" includes all revenue from county sources reported under
23 code 2000 of the North Dakota school district financial accounting and
24 reporting manual as developed by the superintendent of public instruction in
25 accordance with section 15.1-02-08.

26 d. "Tuition revenue" includes all revenue reported under code 1300 of the North
27 Dakota school district financial accounting and reporting manual as developed
28 by the superintendent of public instruction in accordance with section
29 15.1-02-08. "Tuition revenue" does not include tuition income received
30 specifically for the operation of an educational program provided at a
31 residential treatment facility.

1 **SECTION 23.** A new section to chapter 15.1-27 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Reorganized district - Continuation of equity payment.**

- 4 1. a. If a school district that received an equity payment under section 15.1-27-11
5 becomes part of a reorganized district on or after July 1, 2010, the newly
6 reorganized district is entitled to receive, for a period of four years, an amount
7 equal to the equity payment received by the school district during the school
8 year immediately preceding the reorganization.
- 9 b. During the fifty year, the newly reorganized district is entitled to receive an
10 amount equal to two-thirds of the equity payment received by the school
11 district during the school year immediately preceding the reorganization.
- 12 c. During the sixth year, the school district is entitled to receive an amount equal
13 to one-third of the equity payment received by the school district during the
14 school year immediately preceding the reorganization.
- 15 2. The superintendent shall forward the amount payable under this section to the
16 reorganized district at the same time and in the same manner as that provided for
17 other state aid payments under section 14.1-27-01.

NOTE: Make sure that this works with Section 15.1-27-17 (Per student payments -
Reorganization of school districts - Separate weighting factor.)

18 **SECTION 24. AMENDMENT.** Section 15.1-27-19 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-27-19. Summer school courses and programs - Payments to school districts.**

- 21 1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled
22 in a high school summer course, the superintendent of public instruction shall verify
23 that the course meets the criteria set forth in section 15 of this Act, satisfies
24 requirements for graduation, comprises at least as many clock-hours as courses
25 offered during the regular school term, and complies with rules adopted by the
26 superintendent of public instruction.
- 27 2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled
28 in an elementary summer program, the superintendent of public instruction shall
29 verify that the program meets the criteria set forth in section 15 of this Act and
30 complies with rules adopted by the superintendent of public instruction.

1 **SECTION 25. AMENDMENT.** Section 15.1-32-18 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-32-18. Cost - Liability of school district for special education.**

- 4 1. Each year the superintendent of public instruction shall identify the approximately
5 one percent of special education students statewide who are not eligible for cost
6 reimbursement under section 15.1-29-14 and who require the greatest school
7 district expenditures in order to provide them with special education and related
8 services. This percentage represents the number of students that would qualify for
9 excess cost reimbursement beyond the multiplier that is established in
10 subsection 3.
- 11 2. The excess costs of providing special education and related services to these
12 students are the responsibility of the state and the superintendent of public
13 instruction shall reimburse the school districts for any excess costs incurred in the
14 provision of special education and related services to the identified students.
- 15 3. a. "Excess costs" During the 2009-10 school year, "excess costs" are those that
16 exceed four and one-half times the state average cost of education per
17 student and which are incurred by the special education students identified in
18 subsection 1.
- 19 b. During each school year thereafter, "excess costs" are those that exceed four
20 and one-half times the state average cost of education per student and which
21 are incurred by the special education students identified in subsection 1.
- 22 4. All costs of providing special education and related services to those students
23 identified in subsection 1, other than excess costs reimbursed by the state, are the
24 responsibility of the student's school district of residence.
- 25 5. In addition to any other reimbursements provided under this section, if a school
26 district expends more than two percent of its annual budget for the provision of
27 special education and related services to one student, the district shall notify the
28 superintendent of public instruction. Upon verification, the superintendent shall
29 reimburse the district for the difference between:
- 30 a. Two percent of the district's annual budget; and
31 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 26. 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 chairman of the senate education committee, or the chairman's designee;

f. The chairman of the house education committee, or the chairman's designee;

and

g. The following gubernatorial appointees:

(1) The superintendent of a school district having at least 1,000 students in average daily membership;

(2) The superintendent of a school district having fewer than 1,000 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 an 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 childcare provider;

(9) An individual representing a home-based licensed childcare provider;

(10) An individual representing a reservation-based head start program;

(11) An individual representing an non-reservation-based head start program;

(12) 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 27. 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. Monitor the delivery of early childhood education in this state;

2. Conduct a needs assessment;

3. Review early childhood learning standards and propose revisions to the standards as needed;

4. Develop a comprehensive plan governing the delivery of early childhood education in this state; and

5. Provide an annual report regarding its activities to the governor and the legislative council.

SECTION 28. 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.

NOTE: \$20,000 should be included in the DPI budget to cover the reimbursements.

1 **SECTION 29. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-37-01. Early childhood education program - Approval.** Any person or school
4 district operating an early childhood education program may request approval of the program
5 from the superintendent of public instruction. The superintendent shall approve an early
6 childhood education program if the program:

- 7 1. Is taught by individuals who are licensed to teach in early childhood education by
8 the education standards and practices board;
- 9 2. Follows a developmentally appropriate curriculum; and
- 10 3. Is in compliance with all municipal and state health, fire, and safety requirements.

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

13 **SECTION 30.** A new section to chapter 15.1-37 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Early childhood education program - Eligibility for per student payments.** In order
16 to be eligible for funding under subdivision j of subsection 1 of section 15.1-27-03.1, an
17 approved early childhood program must:

- 18 1. Use a screening test approved by the superintendent of public instruction to ensure
19 the developmental readiness of each student seeking admission to the program;
- 20 2. Limit enrollment in the program to students who have reached the age of four
21 before September first of the year of enrollment and who are not enrolled in an
22 approved kindergarten program; and
- 23 3. By operated by or on behalf of a school district.

24 **SECTION 31. NORTH DAKOTA COMMISSION ON EDUCATION IMPROVEMENT -**
25 **MEMBERSHIP - DUTIES - REPORT TO LEGISLATIVE COUNCIL - REIMBURSEMENT FOR**
26 **EXPENSES.**

- 27 1. The North Dakota commission on education improvement consists of:
 - 28 a. (1) The governor or an individual designated by the governor, who shall
29 serve as the chairman;

- 1 (2) One individual, appointed by the governor, who is employed as the
2 superintendent of high school district having more than one thousand
3 students in average daily membership;
- 4 (3) One individual, appointed by the governor, who is employed as the
5 superintendent of high school district having more than two hundred
6 twenty but fewer than one thousand students in average daily
7 membership;
- 8 (4) One individual, appointed by the governor, who is employed as the
9 superintendent of a high school district having fewer than two hundred
10 twenty students in average daily membership;
- 11 (5) One individual, appointed by the governor, who is employed as a
12 school district business manager;
- 13 (6) The chairman of the senate education committee or the chairman's
14 designee;
- 15 (7) The chairman of the house education committee or the chairman's
16 designee;
- 17 (8) The senate minority leader or the leader's designee;
- 18 (9) One legislator appointed by the chairman of the legislative council; and
- 19 (10) The superintendent of public instruction or an assistant superintendent
20 designated by the superintendent of public instruction; and
- 21 b. One nonvoting member representing the North Dakota council of educational
22 leaders, one nonvoting member representing the North Dakota education
23 association, and one nonvoting member representing the North Dakota school
24 boards association.
- 25 2. The commission shall establish its own duties and rules of operation and
26 procedure, including rules relating to appointments, terms of office, vacancies,
27 quorums, and meetings, provided that the duties and the rules do not conflict with
28 any provisions of this section.
- 29 3. The members of the commission are entitled to reimbursement for actual and
30 necessary expenses incurred in the same manner as state officials. The
31 superintendent of public instruction shall use up to \$40,000 from moneys

appropriated in the grants - state school aid line item in House Bill No. 1013, as approved by the sixty-first legislative assembly, to provide the reimbursements.

4. The commission shall 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.
5. The commission shall provide periodic reports to the governor and to the legislative council.

NOTE: Determine whether the makeup of the Commission and its role and mission should be amended.

SECTION 32. 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. Fifty-nine cents per mile for schoolbuses having a capacity of ten or more passengers and transporting students within city limits;
 - b. Twenty-nine cents per mile for schoolbuses having a capacity of nine or fewer passengers and transporting students within city limits;
 - c. Eighty-three cents per mile for schoolbuses having a capacity of ten or more passengers and transporting students in rural areas;
 - d. Forty-five cents per mile for vehicles having a capacity of nine or fewer passengers and transporting students in rural areas; and
 - e. Twenty-three cents per student for each one-way trip, provided that a "student" includes a participant in an early childhood education program that meets the requirements of section 30 of this Act.
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.

1 3. IF the moneys provided for transportation payments in the grants - transportation
2 line item in House Bill No. 1013, as approved by the sixty-first legislative assembly,
3 remain after application of the formula provided for in this section, the
4 superintendent of public instruction shall prorate the remaining amounts according
5 to the percentage of the total transportation formula amount to which each school
6 district is entitled.

7 4. Nothing in this section authorizes the reimbursement of any costs incurred in
8 providing transportation for student attendance at extracurricular activities or
9 events.

10 **SECTION 33. SCHOOL DISTRICT REORGANIZATION PLANNING GRANTS.** The
11 superintendent of public instruction may expend up to \$100,000 from the grants - state school
12 aid line item in House Bill No. 1013, as approved by the sixty-first legislative assembly, for the
13 purpose of providing planning grants to school districts participating in reorganizations under
14 chapter 15.1-12, for the biennium beginning July 1, 2009, and ending June 30, 2011. A grant
15 provided under this section may not exceed \$25,000 and may not be awarded unless the
16 student and the recipient districts vote not to reorganize, the superintendent of public instruction
17 shall withhold the grant amount that each district received under this section from any state aid
18 payable to the district.

19 **SECTION 34. APPROPRIATION - SCHOOL DISTRICT - DEFERRED**
20 **MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.**

21 1. There is appropriated out of any moneys in the general fund in the state treasury,
22 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as
23 may be necessary, to the superintendent of public instruction for the purpose of
24 awarding to eligible school districts deferred maintenance and physical plant
25 improvement grants, in accordance with the provisions of this section, for the
26 biennium beginning July 1, 2009, and ending June 30, 2011.

27 2. If the office of management and budget determines by July 31, 2010, that the
28 June 30, 2011, ending balance of the state general fund will be more than
29 \$30,000,000 in excess of the amount predicted by the office of management and
30 budget at the conclusion of the 2009 legislative session, the superintendent of
31 public instruction shall forward to each eligible school district:

- 1 a. Twenty thousand dollars; plus
- 2 b. The school district's pro rata share of the remaining appropriation, calculated
- 3 by using the latest available average daily membership of each school district.
- 4 3. If the general fund balance requirements of subsection 2 are not met if the office of
- 5 management and budget determines by April 30, 2011, that the June 30, 2011,
- 6 ending balance of the state general fund will be more than \$30,000,000 in excess
- 7 of the amount predicted by the office of management and budget at the conclusion
- 8 of the 2009 legislative session, the superintendent of public instruction shall
- 9 forward to each eligible school district:
- 10 a. Twenty thousand dollars; plus
- 11 b. The school district's pro rata share of the remaining appropriation, calculated
- 12 by using the latest available average daily membership of each school district.
- 13 4. Each school district accepting funds under this section shall apply those funds
- 14 toward deferred maintenance and physical plant improvements and shall, by
- 15 June 30, 2012:
- 16 a. Submit to the superintendent of public instruction documentation indicating
- 17 the appropriate expenditure of the funds; or
- 18 b. Return the funds to the superintendent of public instructions for deposit in the
- 19 general fund.
- 20 5. For purposes of this section, an "eligible school district" is a school district that:
- 21 a. Has a general fund levy equal to at least one hundred fifty mills;
- 22 b. Is not precluded from receiving state aid by the provisions of section
- 23 15.1-27-35.3; and
- 24 c. Provides an equal monetary match for any amount received under this
- 25 section.

26 **SECTION 35. AMENDMENT.** Section 55 of chapter 163 of the 2007 session laws is
27 amended and reenacted as follows:

28 **SECTION 55. CONTINGENT MONEY.**

- 29 1. In determining the availability of contingent money under this section, the
30 superintendent of public instruction shall first add to the money in the grants - state
31 school aid line item in Senate Bill No. 2012, as approved by the sixtieth legislative

1 assembly and money that was appropriated to the superintendent for special
2 education contracts in Senate Bill No. 2013 and which remains after the
3 superintendent complied with all statutory special education contract payment
4 obligations imposed for the biennium beginning July 1, 2007, and ending June 30,
5 2009.

6 2. If any money that was appropriated to the superintendent of public instruction for
7 state aid payments to school districts or added to the state school aid line item in
8 accordance with subsection 1 remains after the superintendent complies with all
9 statutory payment obligations imposed for the biennium beginning July 1, 2007,
10 and ending June 30, 2009, the superintendent shall:

11 4- a. Use the first \$1,000,000, or so much of that amount as may be necessary, to
12 pay any state obligations in excess of the amount appropriated for special
13 education contract charges;

14 2- b. Use the next \$2,000,000, or so much of that amount as may be necessary, for
15 the purpose of providing additional per student payments to school districts
16 participating in regional education associations under chapter 15.1-09.1;

17 3- c. Use the next \$550,000, or so much of that amount as may be necessary, for
18 the purpose of providing additional payments to school districts serving
19 English language learners and new immigrant English language learners, in
20 accordance with chapter 15.1-38;

21 4- d. Use the next \$200,000, or so much of that amount as may be necessary, for
22 the purpose of providing additional payments to school districts offering an
23 adult education program during the 2007-09 biennium; and

24 5- e. Use the remainder of the moneys to provide additional per student payments
25 on a prorated basis according to the latest available average daily
26 membership of each school district.

27 **SECTION 36. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR**
28 **SPECIAL EDUCATION.** If during the biennium beginning July 1, 2009, and ending June 30,
29 2011, the superintendent of public instruction determines that, using all available sources, there
30 are insufficient funds with which to fully reimburse school districts for the excess costs of
31 serving the one percent of special education students statewide who require the greatest school

1 district expenditures in order to be provided with special education and related services, the
2 industrial commission shall transfer from the earnings and accumulated and undivided profits of
3 the Bank of North Dakota the amount the superintendent of public instruction certifies in
4 necessary to provide the statutorily required level of reimbursement. The superintendent of
5 public instruction shall file for introduction legislation requesting that the sixty-second legislative
6 assembly return any amount transferred under this section to the Bank of North Dakota.

7 **SECTION 37. REPEAL.** Sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the
8 North Dakota Century Code are repealed.

9 **SECTION 38. EMERGENCY.** Sections 26 and 35 are declared to be an emergency
10 measure.