

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2316

Introduced by

Senators Sorvaag, Flakoll, Wardner, Nelson

Representatives Heilman, Sanford

1 A BILL for an Act to amend and reenact sections 15.1-09-33 and 15.1-27-03.1 of the North
2 Dakota Century Code, relating to the provision of alternative schools and alternative school
3 programs to students in grades six through twelve; to provide an effective date; and to declare
4 an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-09-33 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-09-33. School board - Powers.**

9 The board of a school district may:

- 10 1. Establish a system of free public schools for all children of legal school age residing
11 within the district.
- 12 2. Organize, establish, operate, and maintain elementary, middle, and high schools.
- 13 3. Have custody and control of all school district property and, in the case of the board of
14 education of the city of Fargo, have custody and control of all public school property
15 within the boundaries of the Fargo public school district and to manage and control all
16 school matters.
- 17 4. Acquire real property and construct school buildings and other facilities.
- 18 5. Relocate or discontinue schools and liquidate the assets of the district as required by
19 law; provided no site may be acquired or building constructed, or no school may be
20 organized, established, operated, maintained, discontinued, or changed in location
21 without the approval of the state board of public school education if outside the
22 boundary of the district.
- 23 6. Purchase, sell, exchange, and improve real property.

- 1 7. Lease real property for a maximum of one year except in the case of a career and
- 2 technical education facility constructed in whole or in part with financing acquired
- 3 under chapter 40-57, which may be leased for up to twenty years.
- 4 8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real
- 5 property for school purposes.
- 6 9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,
- 7 supplies, and textbooks.
- 8 10. Recruit or contract with others to recruit homes and facilities which provide boarding
- 9 care for special education students.
- 10 11. Provide dormitories for the boarding care of special education students.
- 11 12. Insure school district property.
- 12 13. Independently or jointly with other school districts, purchase telecommunications
- 13 equipment or lease a telecommunications system or network.
- 14 14. Provide for the education of students by another school district.
- 15 15. Contract with federal officials for the education of students in a federal school.
- 16 16. Prescribe courses of study in addition to those prescribed by the superintendent of
- 17 public instruction or by law.
- 18 17. Adopt rules regarding the instruction of students, including their admission, transfer,
- 19 organization, grading, and government.
- 20 18. Join the North Dakota high school activities association and pay membership fees.
- 21 19. Adopt alternative curricula for high school seniors who require fewer than four
- 22 academic units.
- 23 20. Provide alternative schools and alternative school programs for students in grades six
- 24 through twelve.
- 25 21. Contract with, employ, and compensate school district personnel.
- 26 ~~21-22.~~ Contract with and provide reimbursement for the provision of teaching services by an
- 27 individual certified as an instructor in the areas of North Dakota American Indian
- 28 languages and culture by the education standards and practices board.
- 29 ~~22-23.~~ Suspend school district personnel.
- 30 ~~23-24.~~ Dismiss school district personnel.
- 31 ~~24-25.~~ Participate in group insurance plans and pay all or part of the insurance premiums.

- 1 ~~25.26.~~ Contract for the services of a district superintendent, provided that the contract, which
2 may be renewed, does not exceed a period of three years.
- 3 ~~26.27.~~ Contract for the services of a principal.
- 4 ~~27.28.~~ Employ an individual to serve as the school district business manager or contract with
5 any person to perform the duties assigned to a school district business manager by
6 law.
- 7 ~~28.29.~~ Suspend or dismiss a school district business manager for cause without prior notice.
- 8 ~~29.30.~~ Suspend or dismiss a school district business manager without cause with thirty days'
9 written notice.
- 10 ~~30.31.~~ Defray the necessary and contingent expenses of the board.
- 11 ~~31.32.~~ Levy a tax upon property in the district for school purposes.
- 12 ~~32.33.~~ Amend and certify budgets and tax levies, as provided in title 57.
- 13 ~~33.34.~~ Pay dues allowing for the board to hold membership in city, county, state, and national
14 organizations and associations.
- 15 ~~34.35.~~ Designate, at its annual meeting, a newspaper of general circulation as the official
16 newspaper of the district.

17 **SECTION 2. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **~~15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership--~~**
20 **~~Determination.~~**

- 21 4. ~~For each school district, the superintendent of public instruction shall multiply by:~~
- 22 a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
23 ~~program;~~
- 24 b. ~~1.00 the number of full-time equivalent students enrolled in an extended-~~
25 ~~educational program in accordance with section 15.1-32-17;~~
- 26 c. ~~0.60 the number of full-time equivalent students enrolled in a summer education-~~
27 ~~program;~~
- 28 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based-~~
29 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 30 e. ~~0.30 the number of full-time equivalent students who on a test of English-~~
31 ~~language proficiency approved by the superintendent of public instruction are-~~

- 1 determined to be least proficient and are enrolled in a program of instruction for
2 English language learners;
- 3 f. 0.25 the number of full-time equivalent students enrolled in an alternative high-
4 school;
- 5 g. 0.25 the number of full-time equivalent students enrolled in an isolated-
6 elementary school;
- 7 h. 0.25 the number of full-time equivalent students enrolled in an isolated high-
8 school;
- 9 i. 0.20 the number of full-time equivalent students attending school in a bordering
10 state in accordance with section 15.1-29-01;
- 11 j. 0.20 the number of full-time equivalent students who on a test of English-
12 language proficiency approved by the superintendent of public instruction are
13 determined to be not proficient and are enrolled in a program of instruction for
14 English language learners;
- 15 k. 0.17 the number of full-time equivalent students enrolled in an early childhood
16 special education program;
- 17 l. 0.07 the number of students enrolled in average daily membership, in order to
18 support the provision of special education services;
- 19 m. 0.07 the number of full-time equivalent students who on a test of English-
20 language proficiency approved by the superintendent of public instruction are
21 determined to be somewhat proficient and are enrolled in a program of instruction
22 for English language learners;
- 23 n. 0.004 the number of students enrolled in average daily membership in a school-
24 district that is a participating member of a regional education association meeting
25 the requirements of chapter 15.1-09.1; and
- 26 o. 0.002 the number of students enrolled in average daily membership, in order to
27 support technology.
- 28 2. The superintendent of public instruction shall determine each school district's weighted
29 average daily membership by adding the products derived under subsection 1 to the
30 district's average daily membership.

31 **(Effective after June 30, 2011) Weighted average daily membership - Determination.**

- 1 1. For each school district, the superintendent of public instruction shall multiply by:
 - 2 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer
 - 3 program;
 - 4 b. 1.00 the number of full-time equivalent students enrolled in an extended
 - 5 educational program in accordance with section 15.1-32-17;
 - 6 c. 0.60 the number of full-time equivalent students enrolled in a summer education
 - 7 program;
 - 8 d. 0.50 the number of full-time equivalent students enrolled in a home-based
 - 9 education program and monitored by the school district under chapter 15.1-23;
 - 10 e. 0.30 the number of full-time equivalent students who on a test of English
 - 11 language proficiency approved by the superintendent of public instruction are
 - 12 determined to be least proficient and are enrolled in a program of instruction for
 - 13 English language learners;
 - 14 f. 0.25 the number of full-time equivalent students enrolled in any grade from six
 - 15 through twelve in an alternative high school or alternative school program;
 - 16 g. 0.25 the number of full-time equivalent students enrolled in an isolated
 - 17 elementary school;
 - 18 h. 0.25 the number of full-time equivalent students enrolled in an isolated high
 - 19 school;
 - 20 i. 0.20 the number of full-time equivalent students attending school in a bordering
 - 21 state in accordance with section 15.1-29-01;
 - 22 j. 0.20 the number of full-time equivalent students who on a test of English
 - 23 language proficiency approved by the superintendent of public instruction are
 - 24 determined to be not proficient and are enrolled in a program of instruction for
 - 25 English language learners;
 - 26 k. 0.17 the number of full-time equivalent students enrolled in an early childhood
 - 27 special education program;
 - 28 l. 0.07 the number of students enrolled in average daily membership, in order to
 - 29 support the provision of special education services;
 - 30 m. 0.07 the number of full-time equivalent students who on a test of English
 - 31 language proficiency approved by the superintendent of public instruction are

- 1 determined to be somewhat proficient and are enrolled in a program of instruction
2 for English language learners;
- 3 n. 0.025 the number of students representing that percentage of the total number of
4 students in average daily membership which is equivalent to the three-year
5 average percentage of students in grades three through eight who are eligible for
6 free or reduced lunches under the Richard B. Russell National School Lunch Act
7 [42 U.S.C. 1751 et seq.];
- 8 o. 0.004 the number of students enrolled in average daily membership in a school
9 district that is a participating member of a regional education association meeting
10 the requirements of chapter 15.1-09.1; and
- 11 p. 0.002 the number of students enrolled in average daily membership, in order to
12 support technology.
- 13 2. The superintendent of public instruction shall determine each school district's weighted
14 average daily membership by adding the products derived under subsection 1 to the
15 district's average daily membership.

16 **SECTION 3. EFFECTIVE DATE.** This Act is effective on July 1, 2011.

17 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.