

Introduced by

1 A BILL for an Act to create and enact chapter 15.1-07.1 of the North Dakota Century Code,
2 relating to school district staffing; to amend and reenact sections 15.1-06-04, 15.1-22-01,
3 15.1-27-03.1, 15.1-27-04.1, and 15.1-32-18 of the North Dakota Century Code, relating to
4 education funding; and to repeal sections 15.1-06-19 and 15.1-07-32 of the North Dakota
5 Century Code, relating to counselors and performance strategists.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-06-04. School calendar - Length.**

- 10 ~~1. During the 2009-10 school year, a school district shall provide for a school calendar of~~
11 ~~at least one hundred eighty days.~~
- 12 ~~a. One hundred seventy three days must be used for instruction;~~
- 13 ~~b. Three days must be used for holidays, as selected by the school board in~~
14 ~~consultation with district teachers from the list provided for in subdivisions b-~~
15 ~~through j of subsection 1 of section 15.1-06-02;~~
- 16 ~~c. Up to two days must be used for:~~
- 17 ~~(1) Parent teacher conferences; or~~
- 18 ~~(2) Compensatory time for parent teacher conferences held outside regular~~
19 ~~school hours; and~~
- 20 ~~d. Two days must be used for professional development.~~
- 21 ~~2. During the 2010-11 school year, a school district shall provide for a school calendar of~~
22 ~~at least one hundred eighty one days.~~
- 23 ~~a. One hundred seventy four days must be used for instruction;~~

1 b. ~~Three days must be used for holidays, as selected by the board in consultation-~~
2 ~~with district teachers from the list provided for in subdivisions b through j of~~
3 ~~subsection 1 of section 15.1-06-02;~~

4 e. ~~Up to two days must be used for:~~

5 ~~(1) Parent-teacher conferences; or~~

6 ~~(2) Compensatory time for parent teacher conferences held outside of regular~~
7 ~~school hours; and~~

8 d. ~~Two days must be used for professional development.~~

9 ~~3.1.~~ ~~Beginning with the 2011-12~~During the 2015-16 school year, a school district shall
10 provide for a school calendar of at least one hundred eighty-two days.

11 a. One hundred seventy-five days must be used for instruction;

12 b. Three days must be used for holidays, as selected by the board in consultation
13 with district teachers from the list provided for in subdivisions b through j of
14 subsection 1 of section 15.1-06-02;

15 c. Up to two days must be used for:

16 (1) Parent-teacher conferences; or

17 (2) Compensatory time for parent-teacher conferences held outside of regular
18 school hours; and

19 d. Two days must be used for professional development.

20 2. Beginning with the 2016-17 school year, a school district shall provide for a school
21 calendar that includes:

22 a. At least one hundred seventy-five instructional days;

23 b. At least three paid holidays selected by the board, in consultation with district
24 teachers, from among those listed in subdivisions b through j of subsection 1 of
25 section 15.1-06-02;

26 c. No more than two days for:

27 (1) Parent-teacher conferences held during regular school hours; or

28 (2) Compensatory time for parent-teacher conferences held outside of regular
29 school hours; and

30 d. At least ten days of professional development.

NOTE: Is there a desire to require some oversight by the Superintendent of Public Instruction to ensure that the professional development efforts are meaningful?

Is there a desire to require that a portion of the professional development day be set aside for an intensive summer workshop?

1 ~~4.3.~~ A day ~~for~~of professional development must consist of:

2 a. Six hours of professional development, exclusive of meals and other breaks,
3 conducted within a single day; or

4 b. Two four-hour periods of professional development, exclusive of meals and other
5 breaks, conducted over two days.

6 ~~5.4.~~ If a school district offers a four-hour period of professional development, as permitted
7 in subdivision b of subsection ~~43~~, the school district may schedule instruction during
8 other available hours on that same day and be credited with providing one-half day of
9 instruction to students. This subsection does not apply unless the one-half day of
10 instruction equals at least one-half of the time required for a full day of instruction, as
11 defined in this section.

12 ~~6.~~ a. ~~In meeting the requirements for two days of professional development under this~~
13 ~~section, a school district may require that its teachers attend the North Dakota~~
14 ~~education association instructional conference and may pay teachers for~~
15 ~~attending the conference, provided their attendance is verified.~~

16 b. ~~In meeting the requirements for two days of professional development under this~~
17 ~~section, a school district may consider attendance at the North Dakota education~~
18 ~~association instructional conference to be optional, elect not to pay teachers for~~
19 ~~attending the instructional conference, and instead direct any resulting savings~~
20 ~~toward providing alternate professional development opportunities.~~

21 c. ~~A school district may not require the attendance of teachers in school or at any~~
22 ~~school-sponsored, school-directed, school-sanctioned, or school-related activities~~
23 ~~and may not schedule classroom instruction time nor alternate professional~~
24 ~~development activities on any day that conflicts with the North Dakota education~~
25 ~~association instructional conference.~~

26 ~~7.~~ ~~Beginning with the 2010-11 school year, if a school district elects to provide an~~
27 ~~optional third day of professional development, the school district shall do so by:~~

28 a. ~~Meeting the requirements for a day of professional development as set forth in~~
29 ~~subsection 4; or~~

- 1 b. Shortening four instructional days, for the purpose of providing for two-hour
2 periods of professional development, provided:
- 3 (1) Each instructional day on which such professional development occurs
4 includes at least four hours of instruction for kindergarten and elementary
5 students and four and one-half hours for high school students;
- 6 (2) The instructional time for each course normally scheduled on that day is
7 reduced proportionately or the daily schedule is reconfigured to ensure that
8 the same course is not subject to early dismissal more than one time per
9 school calendar, as a result of this subdivision; and
- 10 (3) All teachers having a class dismissed as a result of this subdivision are
11 required to be in attendance and participate in the professional
12 development.
- 13 8. a. If a school's calendar provides for an extension of each schoolday beyond the
14 statutorily required minimum number of hours, and if the extensions when
15 aggregated over an entire school year amount to more than eighty-four hours of
16 additional classroom instruction during the school year, the school is exempt from
17 having to make up six hours of instruction time lost as a result of weather-related
18 closure. In order to make up lost classroom instruction time beyond the six hours,
19 the school must extend its normal school calendar day by at least thirty minutes.
- 20 b. A school that does not qualify under the provisions of this subsection must extend
21 its normal schoolday by at least thirty minutes to make up classroom instruction
22 time lost as a result of weather-related closure.
- 23 c. If because of weather a school must dismiss before completing a full day of
24 instruction, the school is responsible for making up only those hours and portions
25 of an hour between the time of early dismissal and the conclusion of a full day of
26 classroom instruction.
- 27 9.5. For purposes of this section, a full day of instruction consists of:
- 28 a. At least five and one-half hours for kindergarten and elementary students, during
29 which time the students are required to be in attendance for the purpose of
30 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 2. Chapter 15.1-07.1 of the North Dakota Century Code is created and enacted as follows:

15.1-07.1-01. Noninstructional period - Required use.

1. Each teacher who is employed by a school district in this state and required to provide at least five periods of classroom instruction per day must be afforded at least one noninstructional period per day, during which the teacher shall engage in instructional preparation, collaborative planning, or focused professional development.
2. Each teacher who is employed by a school district in this state and required to provide classroom instruction within a block scheduling format must each day be afforded an amount of noninstructional time, during which the teacher shall engage in instructional preparation, collaborative planning, or focused professional development. The amount of noninstructional time must be approved by the superintendent of public instruction as being comparable to the noninstructional period required under subsection 1.
3. The administrator of a school shall ensure that each teacher utilizes the noninstructional period or noninstructional time for the purposes designated in this section.

NOTE: "Teachers also need some time during the regular school day to work collaboratively and engage in job-embedded professional development. Providing every teacher one period a day for collaborative planning and focused professional development requires an additional 20 percent allocation for elective teachers. Using this elective staff allocation, every teacher--core and elective--would teach 5 of 6 periods during the day, and have one period for planning, preparation and collaborative work." (Picus Report page 17)

15.1-07.1-02. Instructional coaches - Requirement.

1. Beginning with the 2015-16 school year, each school district shall employ one full-time equivalent instructional coach for every two hundred students in average daily membership.
2. Each instructional coach must:
 - a. Hold a master's degree or certification by the national board for professional teaching standards;
 - b. Have at least five years of experience as a classroom teacher;
 - c. Have demonstrated the ability to improve the instructional skills of classroom teachers;

- 1 d. Utilize research-based approaches to improving the instructional skills of
- 2 classroom teachers; and
- 3 e. Be delegated duties that are primarily associated with improving the instructional
- 4 skills of classroom teachers.
- 5 3. An instructional coach may not have direct administrative supervision of any
- 6 classroom teacher.
- 7 4. An instructional coach shall observe and evaluate each classroom teacher to:
- 8 a. Identify the needs of each classroom teacher; and
- 9 b. Prioritize the needs of all classroom teachers.
- 10 5. Each instructional coach shall establish and maintain regular hours during which any
- 11 teacher may meet with the coach for consultative purposes.
- 12 6. At least monthly, each instructional coach shall provide a written report to the principal
- 13 of a school, documenting the efforts undertaken with each teacher and the results of
- 14 such efforts.
- 15 7. If a school district fails to meet the requirements of this section, the superintendent of
- 16 public instruction shall subtract, from any state aid payments to which the school
- 17 district is otherwise entitled during the ensuing year, an amount equal to X.XX
- 18 multiplied by the number of students enrolled in average daily membership. The
- 19 superintendent shall prorate the amount subtracted in the case of a district's partial
- 20 compliance.

NOTE: "[Instructional coaches] coordinate the instructional program but most importantly provide the critical ongoing instructional coaching and mentoring that the professional development literature shows is necessary for teachers to improve their instructional practice This means that they spend the bulk of their time in classrooms, modeling lessons, giving feedback to teachers, working with teacher collaborative teams, and generally helping to improve the instructional program." (Picus Report page 20)

21 **15.1-07.1-03. Tutors.**

- 22 1. Beginning with the 2015-16 school year, each school district shall employ one full-time
- 23 equivalent tutor for:
- 24 a. Every four hundred fifty students in kindergarten through grade five;
- 25 b. Every four hundred fifty students in grades six through eight; and
- 26 c. Every six hundred students in grades nine through twelve.

- 1 2. a. In addition to the requirements set forth in subsection 1, beginning with the
2 2015-16 school year, each school district shall employ one full-time equivalent
3 tutor for every one hundred twenty-five at-risk students.
- 4 b. For purposes of this subsection, a district's at-risk student count is the number of
5 students representing that percentage of the total number of students in average
6 daily membership which is equivalent to the three-year average percentage of
7 students in grades three through eight who are eligible for free or reduced
8 lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751
9 et seq.].
- 10 3. If a school district fails to meet the requirements of this section, the superintendent of
11 public instruction shall subtract from any state aid payments to which the school
12 district is otherwise entitled during the ensuing year, an amount equal to X.XX
13 multiplied by the number of students enrolled in average daily membership. The
14 superintendent shall prorate the amount subtracted in the case of a district's partial
15 compliance.

NOTE: Picus suggests one tutor for every prototypical school and one tutor for every 125 at-risk students. (Picus Report page 25)

This would appear to replace the position of a "student performance strategist," as required by Section 15.1-07-32:

15.1-07-32. Student performance strategist - Verification - Qualifications.

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:

1. a. Meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07; or
- b. Be licensed to teach or approved to teach by the education standards and practices board and hold a special education endorsement or credential; and
2. Serve as a tutor or an instructional coach.

15.1-07.1-04. Extended-day program - Staff.

1. Beginning with the 2015-16 school year, each school district shall employ extended-day program staff at the rate of one full-time equivalent teacher for every one hundred twenty at-risk students.
2. For purposes of this subsection, a district's at-risk student count is the number of 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.].
3. If a school district fails to meet the requirements of this section, the superintendent of public instruction shall subtract from any state aid payments to which the school district is otherwise entitled during the ensuing year, an amount equal to X.XX multiplied by the number of students enrolled in average daily membership. The superintendent shall prorate the amount subtracted in the case of a district's partial compliance.

NOTE: Picus suggests one teacher position for every 30 at-risk students (or 3.33 full-time equivalent positions per 100 such students). The position is paid at the rate of 25 percent of the position's annual salary--enough to pay a teacher for a two-hour extended-day program, five days per week. This formula equates to one teacher position for every 120 students eligible for free or reduced price lunch. These resources could be used for a different mix of teachers and other noncertified staff, with teachers providing at least one hour of homework help or afterschool tutoring. (Picus Report page 29)

15.1-07.1-05. Summer school - Staff to assist struggling students.

1. Beginning with the 2015-16 school year, each school district shall employ summer school staff to assist struggling students at the rate of one full-time equivalent teacher for every one hundred twenty at-risk students.
2. For purposes of this subsection, a district's at-risk student count is the number of 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.].
3. The staffing requirements of this section are supplementary to any school district staff necessary for the provision of summer school programs.

- 1 4. If a school district fails to meet the requirements of this section, the superintendent of
2 public instruction shall subtract from any state aid payments to which the school
3 district is otherwise entitled during the ensuing year, an amount equal to X.XX
4 multiplied by the number of students enrolled in average daily membership. The
5 superintendent shall prorate the amount subtracted in the case of a district's partial
6 compliance.

NOTE: Picus Report page 32.

7 **15.1-07.1-06. English language learners - Staff to assist struggling students.**

- 8 1. Beginning with the 2015-16 school year, each school district shall employ one full-time
9 equivalent teacher for every one hundred students identified as English language
10 learners.
- 11 2. For purposes of this section, a district's English language learner count is the number
12 of full-time equivalent students who:
- 13 a. On a test of English language proficiency approved by the superintendent of
14 public instruction, are determined to be in the first, second, or third of six
15 proficiency categories;
- 16 b. Are enrolled in a program of instruction for English language learners; and
- 17 c. Have not been in the third of six categories of proficiency for more than three
18 years.
- 19 3. The staffing requirements of this section are supplementary to any school district staff
20 necessary for the provision of English language learner programs.
- 21 4. If a school district fails to meet the requirements of this section, the superintendent of
22 public instruction shall subtract, from any state aid payments to which the school
23 district is otherwise entitled during the ensuing year, an amount equal to X.XX
24 multiplied by the number of students enrolled in average daily membership. The
25 superintendent shall prorate the amount subtracted in the case of a district's partial
26 compliance.

NOTE: Picus Report page 35.

27 **15.1-07.1-07. Special education service providers - Requirement.**

- 28 Beginning with the 2015-16 school year, each school district shall employ or otherwise
29 provide for one full-time equivalent special education teacher and one full-time equivalent aide
30 for every one hundred fifty regular education students in average daily membership.

NOTE: Picus Report page 41.

15.1-07.1-08. Programs for gifted students - Requirement.

1. Beginning with the 2015-16 school year, each school district shall address the needs of students who are gifted, talented, able, or ambitious, and who perform above state proficiency standards, by:
 - a. Permitting acceleration;
 - b. Requiring the use of instructional materials that are specifically designed to meet the needs of such students; and
 - c. Providing classroom teachers with specialized training that focuses on effectively meeting the educational needs of such students.
2. For purposes of this section, "acceleration" includes:
 - a. A reduction in the amount of time that the students are required to spend on instructional materials;
 - b. Enrollment in higher grade levels for specific classes;
 - c. Enrollment in advanced placement courses;
 - d. Enrollment in dual-credit courses; and
 - e. The alteration of content in order to provide higher levels of complexity at the student's current grade level.

NOTE: Resources for gifted and talented students are provided at a rate of \$25 per regular education student. (Picus Report page 49)

15.1-07.1-09. Alternative schools - Staffing requirement.

Beginning with the 2015-16 school year, each school district shall employ one full-time equivalent teacher for every seven students in average daily membership in an alternative middle school or an alternative high school program.

NOTE: Picus Report page 46.

The Picus Report states that the evidence-based model provides for one assistant principal position as well. It is not clear how many students must be in the program before this requirement comes into being and in the case of only a handful of students, whether this is a full-time equivalent position.

15.1-07.1-10. Substitute teaching staff.

1. Each school district shall set aside from any state aid to which it is otherwise entitled, an amount equal to the cost of employing five percent of the district's:
 - a. Full-time equivalent teachers; and
 - b. Full-time equivalent instructional coaches.

- 1 2. The funds referenced in subsection 1 may be used only for the temporary employment
2 of substitute teachers and instructional coaches during periods when such regular staff
3 members are absent.
- 4 3. At the conclusion of each school year, any moneys not used for the purpose set forth
5 in this section must be accounted for as part of the district's ending fund balance.

NOTE: Picus Report page 53.

6 **15.1-07.1-11. Student support and family outreach staff - Guidance counselors.**

- 7 1. Each school district must have available one full-time equivalent guidance counselor
8 for every four hundred fifty students in average daily membership in kindergarten
9 through grade five.
- 10 2. a. Each school district must have available one full-time equivalent guidance
11 counselor for every two hundred fifty students in average daily membership in
12 grades six through twelve.
- 13 b. Up to one-third of the full-time equivalency requirement set forth in this
14 subsection may be met by career advisors.
- 15 c. For purposes of this section, a "career advisor" means an individual who holds a
16 certificate in career development facilitation issued by the department of career
17 and technical education under section 15-20.1-24 or an individual who is
18 provisionally approved by the department of career and technical education
19 under section 15-20.1-25 to serve as a career advisor.
- 20 3. If a school district fails to meet the requirements of this section, the superintendent of
21 public instruction shall subtract from any state aid payments to which the school
22 district is otherwise entitled during the ensuing year, an amount equal to X.XX
23 multiplied by the number of students enrolled in average daily membership. The
24 superintendent shall prorate the amount subtracted in the case of a district's partial
25 compliance.

NOTE: Picus Report page 54.

This section requires the repeal of section 15.1-06-19:

15.1-06-19. 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 15-20.1-24 or an individual who is provisionally approved by the department of career and technical education under section 15-20.1-25 to serve as a career advisor.

1 **15.1-07.1-12. School nurse.**

- 2 1. Each school district must have available one full-time equivalent nurse for every seven
3 hundred fifty students in average daily membership.
- 4 2. If a school district fails to meet the requirements of this section, the superintendent of
5 public instruction shall subtract from any state aid payments to which the school
6 district is otherwise entitled during the ensuing year, an amount equal to X.XX
7 multiplied by the number of students enrolled in average daily membership. The
8 superintendent shall prorate the amount subtracted in the case of a district's partial
9 compliance.

10 **15.1-07.1-13. Student support professional.**

- 11 1. Each school district must have available one full-time equivalent student support
12 professional for every one hundred fifty at-risk students. A student support professional
13 must be a licensed:
 - 14 a. Guidance counselor;
 - 15 b. Nurse;
 - 16 c. Psychologist; or
 - 17 d. Social worker.
- 18 2. For purposes of this subsection, a district's at-risk student count is the number of
19 students representing that percentage of the total number of students in average daily
20 membership which is equivalent to the three-year average percentage of students in
21 grades three through eight who are eligible for free or reduced lunches under the
22 Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.].
- 23 3. The staffing requirements of this section are supplementary to any school district staff
24 necessary for the provision of services to at-risk students and supplementary to the
25 staffing requirements set forth in this chapter.
- 26 4. If a school district fails to meet the requirements of this section, the superintendent of
27 public instruction shall subtract from any state aid payments to which the school

1 district is otherwise entitled during the ensuing year, an amount equal to X.XX
2 multiplied by the number of students enrolled in average daily membership. The
3 superintendent shall prorate the amount subtracted in the case of a district's partial
4 compliance.

NOTE: Picus Report page 54.

5 **15.1-07.1-14. Supervisory aide.**

- 6 1. Each school district must have available one full-time equivalent supervisory aide for
7 every two hundred twenty-five students in average daily membership in kindergarten
8 through grade nine.
- 9 2. Each school district must have available one full-time equivalent supervisory aide for
10 every two hundred students in average daily membership in grades ten through
11 twelve.
- 12 3. For purposes of this section, a supervisory aide is an individual who:
- 13 a. Supervises students during their lunch periods;
- 14 b. Supervises students during recess;
- 15 c. Supervises students during the loading and unloading of buses and other school
16 district transportation vehicles;
- 17 d. Supervises students on playgrounds or other school property, before and after
18 the regular schoolday; or
- 19 e. Otherwise assists the teaching staff with noninstructional duties.
- 20 4. If a school district fails to meet the requirements of this section, the superintendent of
21 public instruction shall subtract from any state aid payments to which the school
22 district is otherwise entitled during the ensuing year, an amount equal to X.XX
23 multiplied by the number of students enrolled in average daily membership. The
24 superintendent shall prorate the amount subtracted in the case of a district's partial
25 compliance.

NOTE: Picus Report page 57.

26 **SECTION 3. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

1 **15.1-22-01. Kindergarten - Establishment by board - Request by parent.**

2 The board of a school district shall either provide ~~at least a half-day~~ full-day kindergarten
3 program for any student enrolled in the district or pay the tuition required for the student to
4 attend a full-day kindergarten program in another school district.

NOTE: "Since research suggests that children from all backgrounds can benefit from
 full-day kindergarten programs, the EB model provides support for a full day program for all
 students, by counting such students as 1.0 in the state aid formula." (Picus Report page
 11)

5 **SECTION 4. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-27-03.1. ~~(Effective July 1, 2013, through June 30, 2015)~~ Weighted average daily**
8 **~~membership -- Determination.~~**

- 9 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~
- 10 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer-~~
11 ~~program;~~
- 12 ~~b. 1.00 the number of full-time equivalent students enrolled in an extended-~~
13 ~~educational program in accordance with section 15.1-32-17;~~
- 14 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education-~~
15 ~~program;~~
- 16 ~~d. 0.20 the number of full-time equivalent students enrolled in a home-based-~~
17 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 18 ~~e. 0.30 the number of full-time equivalent students who:~~
- 19 ~~(1) On a test of English language proficiency approved by the superintendent of~~
20 ~~public instruction are determined to be least proficient and placed in the first~~
21 ~~of six categories of proficiency; and~~
- 22 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 23 ~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~
24 ~~school;~~
- 25 ~~g. 0.20 the number of full-time equivalent students attending school in a bordering-~~
26 ~~state in accordance with section 15.1-29-01;~~
- 27 ~~h. 0.20 the number of full-time equivalent students who:~~
- 28 ~~(1) On a test of English language proficiency approved by the superintendent of~~
29 ~~public instruction are determined to be more proficient than students placed~~

- 1 in the first of six categories of proficiency and therefore placed in the second-
- 2 of six categories of proficiency; and
- 3 (2) ~~Are enrolled in a program of instruction for English language learners;~~
- 4 i. ~~0.17 the number of full-time equivalent students enrolled in an early childhood-~~
- 5 special education program;
- 6 j. ~~0.15 the number of full-time equivalent students in grades six through eight-~~
- 7 enrolled in an alternative education program for at least an average of fifteen-
- 8 hours per week;
- 9 k. ~~0.10 the number of students enrolled in average daily membership, if the district-~~
- 10 has fewer than one hundred students enrolled in average daily membership and
- 11 the district consists of an area greater than two hundred seventy-five square-
- 12 miles [19424.9 hectares], provided that any school district consisting of an area-
- 13 greater than six hundred square miles [155399 hectares] and enrolling fewer than-
- 14 fifty students in average daily membership must be deemed to have an-
- 15 enrollment equal to fifty students in average daily membership;
- 16 l. ~~0.082 the number of students enrolled in average daily membership, in order to-~~
- 17 support the provision of special education services;
- 18 m. ~~0.07 the number of full-time equivalent students who:~~
- 19 (1) ~~On a test of English language proficiency approved by the superintendent of~~
- 20 public instruction are determined to be more proficient than students placed-
- 21 in the second of six categories of proficiency and therefore placed in the-
- 22 third of six categories of proficiency;
- 23 (2) ~~Are enrolled in a program of instruction for English language learners; and~~
- 24 (3) ~~Have not been in the third of six categories of proficiency for more than-~~
- 25 three years;
- 26 n. ~~0.025 the number of students representing that percentage of the total number of~~
- 27 students in average daily membership which is equivalent to the three-year-
- 28 average percentage of students in grades three through eight who are eligible for
- 29 free or reduced lunches under the Richard B. Russell National School Lunch Act-
- 30 [42 U.S.C. 1751 et seq.];

- 1 e. ~~0.003 the number of students enrolled in average daily membership in each~~
2 ~~public school in the district that:~~
3 ~~(1) Has acquired and is utilizing the PowerSchool student information system;~~
4 ~~(2) Has acquired and is in the process of implementing the PowerSchool~~
5 ~~student information system; or~~
6 ~~(3) Will acquire the PowerSchool student information system during the current~~
7 ~~school year, provided the acquisition is contractually demonstrated; and~~
8 p. ~~0.002 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.~~
11 2. ~~The superintendent of public instruction shall determine each school district's weighted~~
12 ~~average daily membership by adding the products derived under subsection 1 to the~~
13 ~~district's average daily membership.~~

14 ~~(Effective after June 30, 2015) Weighted average daily membership - Determination.~~

- 15 1. For each school district, the superintendent of public instruction shall multiply by:

- 16 a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer~~
17 ~~program;~~

NOTE: Picus recommends removing this weight and including migrant summer program students in the count of regular summer program students. (Picus Report page 38)

- 18 b. ~~1.00 the number of full-time equivalent students enrolled in an extended~~
19 ~~educational program in accordance with section 15.1-32-17;~~

- 20 e.b. ~~0.60 the number of full-time equivalent students enrolled in a summer education~~
21 ~~program or migrant summer program;~~

- 22 d. ~~0.50 the number of full-time equivalent students enrolled in a home-based~~
23 ~~education program and monitored by the school district under chapter 15.1-23;~~

NOTE: Picus Report page 39.

- 24 e.c. ~~0.30 the number of full-time equivalent students who:~~

- 25 (1) ~~On a test of English language proficiency approved by the superintendent of~~
26 ~~public instruction are determined to be least proficient and placed in the first~~
27 ~~of six categories of proficiency; and~~
28 (2) ~~Are enrolled in a program of instruction for English language learners;~~

1 (3) Have not been in the third of six categories of proficiency for more than
2 three years;

3 ~~m.k.~~ 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 ~~n.l.~~ ~~0.0060.003~~ the number of students enrolled in average daily membership in each
9 public school in the district that:

10 (4) ~~Has acquired and is utilizing the PowerSchool student information system;~~

11 (2) ~~Has acquired and is in the process of implementing the PowerSchool-~~
12 ~~student information system; or~~

13 (3) ~~Will acquire the PowerSchool student information system during the current~~
14 ~~school year, provided the acquisition is contractually demonstrated; and~~

NOTE: This change recognizes the fact that PowerSchool is beyond the acquisition and implementation stage.

15 ~~e.m.~~ ~~0.0040.002~~ the number of students enrolled in average daily membership in a
16 school district that is a participating member of a regional education association
17 meeting the requirements of chapter 15.1-09.1.

NOTE: It was indicated that representatives of the REAs believed they were receiving an adequate level of support prior to the changes made during the 2013 legislative session.

18 2. The superintendent of public instruction shall determine each school district's weighted
19 average daily membership by adding the products derived under subsection 1 to the
20 district's average daily membership.

21 **SECTION 5. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-27-04.1. ~~(Effective through June 30, 2015)~~ Baseline funding - Establishment -**
24 **Determination of state aid.**

25 1. In order to determine the amount of state aid payable to each district, the
26 superintendent of public instruction shall establish each district's baseline funding. A
27 district's baseline funding consists of:

- a. All state aid received by the district in accordance with chapter 15.1-27 during the 2012-13 school year;
- b. The district's 2012-13 mill levy reduction grant, as determined in accordance with chapter 57-64, as it existed on June 30, 2013;
- c. An amount equal to that raised by the district's 2012 general fund levy or that raised by one hundred ten mills of the district's 2012 general fund levy, whichever is less;
- d. An amount equal to that raised by the district's 2012 long-distance learning and educational technology levy;
- e. An amount equal to that raised by the district's 2012 alternative education program levy; and
- f. An amount equal to:
 - (1) Seventy-five percent of all revenue received by the school district and 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;
 - (2) Seventy-five percent of all mineral revenue received by the school district through direct allocation from the state treasurer and not 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;
 - (3) Seventy-five percent of all tuition received by the school district and 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, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
 - (4) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on the distribution and transmission of electric power;

(5) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on electricity generated from sources other than coal;

(6) All revenue received by the school district from mobile home taxes;

(7) Seventy-five percent of all revenue received by the school district from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);

(8) All telecommunications tax revenue received by the school district; and

(9) All revenue received by the school district from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.

2. The superintendent shall divide the district's total baseline funding by the district's 2012-13 weighted student units in order to determine the district's baseline funding per weighted student unit.

3. a. In ~~2013-14~~2015-16, the superintendent shall multiply the district's weighted student units by ~~eight thousand eight hundred ten~~_____ dollars.

(1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:

(a) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2013-14 weighted student units; or

(b) One hundred percent of the district's baseline funding as established in subsection 1.

(2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred ten percent of the district's baseline funding per weighted student unit multiplied by the district's 2013-14 weighted student units, as established in subsection 2.

b. In ~~2014-15~~2016-17, the superintendent shall multiply the district's weighted student units by ~~nine thousand ninety-two~~_____ dollars.

(1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:

- 1 (a) One hundred four percent of the district's baseline funding per
2 weighted student unit, as established in subsection 2, multiplied by
3 the district's 2014-15 weighted student units; or
4 (b) One hundred percent of the district's baseline funding as established
5 in subsection 1.
- 6 (2) The superintendent shall also adjust the product to ensure that the product
7 does not exceed one hundred twenty percent of the district's baseline
8 funding per weighted student unit, as established in subsection 2, multiplied
9 by the district's 2014-15 weighted student units.
- 10 4. After determining the product in accordance with subsection 3, the superintendent of
11 public instruction shall:
- 12 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
13 school district, provided that ~~after 2013~~, the amount in dollars subtracted for
14 purposes of this subdivision may not exceed the previous year's amount in
15 dollars subtracted for purposes of this subdivision by more than twelve percent;
16 and
17 b. Subtract an amount equal to seventy-five percent of all revenues listed in
18 paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred
19 percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of
20 subsection 1.
- 21 5. The amount remaining after the computation required under subsection 4 is the
22 amount of state aid to which a school district is entitled, subject to any other statutory
23 requirements or limitations.

NOTE: The amount of baseline funding for the first and second years of the 2015-17
biennium is yet to be determined.

24 **SECTION 6. AMENDMENT.** Section 15.1-32-18 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-32-18. Cost - Liability of school district for special education.**

- 27 1. Each year the superintendent of public instruction shall identify the approximately
28 ~~one~~two percent of special education students statewide who are not eligible for cost
29 reimbursement under section 15.1-29-14 and who require the greatest school district
30 expenditures in order to provide them with special education and related services. This

- 1 percentage represents the number of students that would qualify for excess cost
2 reimbursement beyond the multiplier that is established in subsection 3.
- 3 2. The excess costs of providing special education and related services to these students
4 are the responsibility of the state and the superintendent of public instruction shall
5 reimburse the school districts for any excess costs incurred in the provision of special
6 education and related services to the identified students.
- 7 3. "Excess costs" are those that exceed four times the state average cost of education
8 per student and which are incurred by the special education students identified in
9 subsection 1.
- 10 4. All costs of providing special education and related services to those students
11 identified in subsection 1, other than excess costs reimbursed by the state, are the
12 responsibility of the student's school district of residence.
- 13 5. In addition to any other reimbursements provided under this section, if a school district
14 expends more than two percent of its annual budget for the provision of special
15 education and related services to one student, the district shall notify the
16 superintendent of public instruction. Upon verification, the superintendent shall
17 reimburse the district for the difference between:
- 18 a. Two percent of the district's annual budget; and
19 b. The lesser of:
- 20 (1) The amount actually expended by the district for the provision of special
21 education and related services to that student; or
22 (2) The amount representing four times the state average cost of education per
23 student.

NOTE: Picus Report page 41.

24 **SECTION 7. REPEAL.** Sections 15.1-06-19 and 15.1-07-32 of the North Dakota Century
25 Code are repealed.

NOTE: Proposed Section 15.1-7.1-11 provides for student support and family outreach staff, as well as guidance counselors.

15.1-06-19. 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 15-20.1-24 or an individual who is provisionally approved by the department of career and technical education under section 15-20.1-25 to serve as a career advisor.

Student performance strategists appear to have been replaced by tutors, as set forth in proposed Section 15.1-07.1-03.

15.1-07-32. Student performance strategist - Verification - Qualifications.

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:

1.
 - a. Meet the qualifications of an elementary school teacher as set forth in section 15.1-18-07; or
 - b. Be licensed to teach or approved to teach by the education standards and practices board and hold a special education endorsement or credential; and
2. Serve as a tutor or an instructional coach.