Sixty-fifth Legislative Assembly of North Dakota

HOUSE BILL NO. 1324

Introduced by

Representatives Owens, Monson, Nathe, Sanford, Schreiber-Beck

Senators Rust, Schaible

- 1 A BILL for an Act to amend and reenact sections 15.1-27-03.1 and 15.1-27-04.1 of the North
- 2 Dakota Century Code, relating to the determination of state aid payable to school districts.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is

5 amended and reenacted as follows:

15.1-27-03.1. (Effective through June 30, 2017) Weighted average daily membership Determination.

8	1.	For	each school district, the superintendent of public instruction shall multiply by:
9		a.	1.00 the number of full-time equivalent students enrolled in an extended
10			educational program in accordance with section 15.1-32-17;
11		b.	0.60 the number of full-time equivalent students enrolled in a summer education-
12			program, including a migrant summer education program;
13		C.	0.33 the number of full-time equivalent students who:
14			(1) On a test of English language proficiency approved by the superintendent of
15			public instruction are determined to be least proficient and placed in the first
16			of six categories of proficiency; and
17			(2) Are enrolled in a program of instruction for English language learners;
18		d.	0.25 the number of full-time equivalent students under the age of twenty-one-
19			enrolled in grades nine through twelve in an alternative high school;
20		e.	0.22 the number of full-time equivalent students who:
21			(1) On a test of English language proficiency approved by the superintendent of
22			public instruction are determined to be more proficient than students placed
23			in the first of six categories of proficiency and therefore placed in the second-
24			of six categories of proficiency; and

1		(2) Are enrolled in a program of instruction for English language learners;
2	f.	0.20 the number of full-time equivalent students enrolled in a home-based
3		education program and monitored by the school district under chapter 15.1-23;
4	g.	0.17 the number of full-time equivalent students enrolled in an early childhood-
5		special education program;
6	h.	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	i.	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	j .	0.082 the number of students enrolled in average daily membership, in order to-
17		support the provision of special education services;
18	k.	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	ŀ.	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.];
31	and	

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1		m.	0.00	02 the number of students enrolled in average daily membership in a school-
2			disti	rict that is a participating member of a regional education association meeting-
3			the	requirements of chapter 15.1-09.1.
4	2.	The	supe	erintendent of public instruction shall determine each school district's weighted
5		ave	rage	daily membership by adding the products derived under subsection 1 to the
6		dist	rict's a	average daily membership.
7	(Ef f	iectiv	e afte	e r June 30, 2017) Weighted average daily membership - Determination.
8	1.	For	each	school district, the superintendent of public instruction shall multiply by:
9		a.	1.00) the number of full-time equivalent students enrolled in an extended
10			edu	cational program in accordance with section 15.1-32-17;
11		b.	0.60) the number of full-time equivalent students enrolled in a summer education
12			prog	gram, including a migrant summer education program;
13		C.	0.40) the number of full-time equivalent students who:
14			(1)	On a test of English language proficiency approved by the superintendent of
15				public instruction are determined to be least proficient and placed in the first
16				of six categories of proficiency; and
17			(2)	Are enrolled in a program of instruction for English language learners;
18		d.	0.28	3 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 first of six categories of proficiency and therefore placed in the second
22				of six categories of proficiency; and
23			(2)	Are enrolled in a program of instruction for English language learners;
24		e.	0.25	5 the number of full-time equivalent students under the age of twenty-one
25			enro	blled in grades nine through twelve in an alternative high school;
26		f.	0.20) the number of full-time equivalent students enrolled in a home-based
27			edu	cation program and monitored by the school district under chapter 15.1-23;
28		g.	0.17	the number of full-time equivalent students enrolled in an early childhood
29			spe	cial education program;

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1		h.	0.15 the number of full-time equivalent students in grades six through eight						
2			enrolled in an alternative education program for at least an average of fifteen						
3			hours per week;						
4		i.	0.10 the number of students enrolled in average daily membership, if the district						
5			has fewer than one hundred students enrolled in average daily membership and						
6			the district consists of an area greater than two hundred seventy-five square						
7			miles [19424.9 hectares], provided that any school district consisting of an area						
8			greater than six hundred square miles [155399 hectares] and enrolling fewer than						
9			fifty students in average daily membership must be deemed to have an						
10			enrollment equal to fifty students in average daily membership;						
11		j.	0.082 the number of students enrolled in average daily membership, in order to						
12			support the provision of special education services;						
13		k.	0.07 the number of full-time equivalent students who:						
14			(1) On a test of English language proficiency approved by the superintendent of						
15			public instruction are determined to be more proficient than students placed						
16			in the second of six categories of proficiency and therefore placed in the						
17			third of six categories of proficiency;						
18			(2) Are enrolled in a program of instruction for English language learners; and						
19			(3) Have not been in the third of six categories of proficiency for more than						
20			three years;						
21		I.	0.025 the number of students representing that percentage of the total number of						
22			students in average daily membership which is equivalent to the three-year						
23			average percentage of students in grades three through eight who are eligible for						
24			free or reduced lunches under the Richard B. Russell National School Lunch Act						
25			[42 U.S.C. 1751 et seq.]; and						
26		m.	0.002 the number of students enrolled in average daily membership in a school						
27			district that is a participating member of a regional education association meeting						
28			the requirements of chapter 15.1-09.1.						
29	2.	The	superintendent of public instruction shall determine each school district's weighted						
30		ave	erage daily membership by adding the products derived under subsection 1 to the						
31		distr	district's average daily membership.						

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1	SECTION 2	2. AMENDMENT. Section 15.1-27-04.1 of the North Dakota Century Code is
2	amended and re	eenacted as follows:
3	15.1-27-04.	1. Baseline funding - Establishment - Determination of state aid.
4	1. In orde	er to To determine the amount of state aid payable to each district, the
5	superi	ntendent of public instruction shall establish each district's baseline funding. A
6	district	t's baseline funding consists of:
7	a. A	Il state aid received by the district in accordance with chapter 15.1-27 during the
8	2	012-13 school year;
9	b. T	The district's 2012-13 mill levy reduction grant, as determined in accordance with
10	С	hapter 57-64, as it existed on June 30, 2013;
11	c. A	In amount equal to that raised by the district's 2012 general fund levy or that
12	ra	aised by one hundred ten mills of the district's 2012 general fund levy, whichever
13	is	s less;
14	d. A	In amount equal to that raised by the district's 2012 long-distance learning and
15	е	ducational technology levy;
16	e. A	In amount equal to that raised by the district's 2012 alternative education
17	р	rogram levy; and
18	f. A	an amount equal to:
19	(1	1) Seventy-five percent of all revenue received by the school district and
20		reported under code 2000 of the North Dakota school district financial
21		accounting and reporting manual, as developed by the superintendent of
22		public instruction in accordance with section 15.1-02-08;
23	(2	2) Seventy-five percent of all mineral revenue received by the school district
24		through direct allocation from the state treasurer and not reported under
25		code 2000 of the North Dakota school district financial accounting and
26		reporting manual, as developed by the superintendent of public instruction
27		in accordance with section 15.1-02-08;
28	(3	3) Seventy-five percent of all tuition received by the school district and
29		reported under code 1300 of the North Dakota school district financial
30		accounting and reporting manual, as developed by the superintendent of
31		public instruction in accordance with section 15.1-02-08, with the exception

2 provided at a residential treatment facility and tuition received for the 3 provision of an adult farm management program; 4 (4) Seventy-five percent of all revenue received by the school district from 5 payments in lieu of taxes on the distribution and transmission of electric 6 power; 7 (5) Seventy-five percent of all revenue received by the school district from 8 payments in lieu of taxes on electricity generated from sources other than 9 coal; 10 (6) All revenue received by the school district from the 12 leasing of land acquired by the United States for which compensation is 13 allocated to the state under 33 U.S.C. 701(c)(3); 14 (8) All revenue received by the school district from payments in lieu of taxes 15 (9) All revenue received by the school district from payments in lieu of taxes 18 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. 21 3. a. In 2045-462017-18, the superintendent shall multiply the district's weighted 22 tay is percent of: (a) One hundred sixeight perc	1					of re	venue received specifically for the operation of an educational program
4 (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; 7 (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; 10 (6) All revenue received by the school district from mobile home taxes; 11 (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); 14 (8) All telecommunications tax revenue received by the school district; and 15 (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. 18 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 weighted student unit. 21 3. a. In 2015-162017-18, the superintendent shall multiply the district's weighted student units by nine thousand threesix hundred sixty-fiveforty-six dollars. 23 (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of: 24 least equal to the greater of: (a) One hundred sizeight percent of the d	2					prov	ided at a residential treatment facility and tuition received for the
5 payments in lieu of taxes on the distribution and transmission of electric 6 power; 7 (5) Seventy-five percent of all revenue received by the school district from 8 payments in lieu of taxes on electricity generated from sources other than 9 coal; 10 (6) All revenue received by the school district from mobile home taxes; 11 (7) Seventy-five percent of all revenue received by the school district from the 12 leasing of land acquired by the United States for which compensation is 13 allocated to the state under 33 U.S.C. 701(c)(3); 14 (8) All telecommunications tax revenue received by the school district; and 15 (9) All revenue received by the school district from payments in lieu of taxes 16 and state reimbursement of the homestead credit and disabled veterans 17 credit. 18 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 weighted 21 3. 23 (1) The superintendent shall adjust the product to ensure that the product is at 24 least equal to the greater of: 25 (a) One hundred sixeight percent of the district's ba	3					prov	ision of an adult farm management program;
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 (a) One hundred sixeight 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 also shall also adjust the product to ensure that the 	23				(1)	The	superintendent shall adjust the product to ensure that the product is at
 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 <u>also</u> shall also adjust the product to ensure that the 	24					least	equal to the greater of:
 27 the district's 2013-14 weighted student units; or 28 (b) One hundred percent of the district's baseline funding as established 29 in subsection 1. 30 (2) The superintendent <u>also</u> shall also adjust the product to ensure that the 	25					(a)	One hundred sixeight percent of the district's baseline funding per
 (b) One hundred percent of the district's baseline funding as established in subsection 1. (2) The superintendent <u>also</u> shall also adjust the product to ensure that the 	26						weighted student unit, as established in subsection 2, multiplied by
 in subsection 1. (2) The superintendent <u>also</u> shall also adjust the product to ensure that the 	27						the district's 2013-14 weighted student units; or
30 (2) The superintendent <u>also</u> shall also adjust the product to ensure that the	28					(b)	One hundred percent of the district's baseline funding as established
	29						in subsection 1.
31 product does not exceed one hundred thirtyforty percent of the district's	30				(2)	The	superintendent <u>also</u> shall also adjust the product to ensure that the
	31					prod	uct does not exceed one hundred thirtyforty percent of the district's

1				base	line funding per weighted student unit multiplied by the district's			
2				2013	-14 weighted student units, as established in subsection 2.			
3		b.	b. In 2016-172018-19, the superintendent shall multiply the district's weighted					
4			stud	ent ur	nits by nine thousand six hundred forty-six dollars.			
5			(1)	The	superintendent shall adjust the product to ensure that the product is at			
6				least	equal to the greater of:			
7				(a)	One hundred eight percent of the district's baseline funding per			
8					weighted student unit, as established in subsection 2, multiplied by			
9					the district's 2014-15 weighted student units; or			
10				(b)	One hundred percent of the district's baseline funding as established			
11					in subsection 1.			
12			(2)	The	superintendent <u>also</u> shall also adjust the product to ensure that the			
13				prod	uct does not exceed one hundred forty percent of the district's baseline			
14				fund	ing per weighted student unit, as established in subsection 2, multiplied			
15				by th	e district's 2014-15 weighted student units.			
16	4.	Afte	After determining the product in accordance with subsection 3, the superintendent of					
17		pub	public instruction shall:					
18		a.	Sub	tract a	in amount equal to sixty mills multiplied by the taxable valuation of the			
19			scho	ool dis	trict, provided that after 2013, except the amount in dollars subtracted			
20			for p	ourpos	es of this subdivision may not exceed the previous year's amount in			
21			dolla	ars su	btracted for purposes of this subdivision by more than twelve percent;			
22			and					
23		b.	Sub	tract a	in amount equal to seventy-five percent of all revenues listed in			
24			para	igrapł	is 1 through 5, and 7 of subdivision f of subsection 1 and one hundred			
25			perc	ent of	all revenues listed in paragraphs 6, 8, and 9 of subdivision f of			
26			subs	sectio	n 1.			
27	5.	The	e amoi	unt re	maining after the computation required under subsection 4 is the			
28		am	ount o	f state	e aid to which a school district is entitled, subject to any other statutory			
29		requirements or limitations.						