

Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2013

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 public instruction, the state library, the school for the deaf, and the North Dakota vision
3 services - school for the blind; and to provide exemptions.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
6 as may be necessary, are appropriated out of any moneys in the general fund in the state
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and
8 other income, to the department of public instruction, the state library, the school for the deaf,
9 and North Dakota vision services - school for the blind for the purpose of defraying the
10 expenses of those agencies, for the biennium beginning July 1, 2019, and ending June 30,
11 2021, as follows:

12 Subdivision 1.

13 DEPARTMENT OF PUBLIC INSTRUCTION

14 Governor's

| 15 | | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
|----|-----------------------------|-------------------|-----------------------|----------------------|
| 16 | Salaries and wages | \$17,439,176 | \$18,213,061 | \$17,439,176 |
| 17 | Operating expenses | 30,165,005 | 35,444,947 | 30,165,005 |
| 18 | Integrated formula payments | 1,750,204,163 | 2,050,702,323 | 1,750,204,163 |
| 19 | Grants - special education | 19,300,000 | 25,000,000 | 19,300,000 |
| 20 | Grants - transportation | 55,400,000 | 55,400,000 | 55,400,000 |
| 21 | Grants - other grants | 254,062,705 | 287,062,705 | 254,062,705 |
| 22 | Grants - program grants | 6,210,000 | 10,489,711 | 6,210,000 |
| 23 | Grants - passthrough grants | 2,898,000 | 2,538,129 | 2,898,000 |
| 24 | PowerSchool | 5,500,000 | 0 | 5,500,000 |

Sixty-sixth
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| | | | | |
|---|--------------------------------|--------------------|--------------------|--------------------|
| 1 | Transportation efficiency | 30,000 | 27,000 | 30,000 |
| 2 | National board certification | <u>120,000</u> | <u>108,000</u> | <u>120,000</u> |
| 3 | Total all funds | \$2,141,329,049 | \$2,484,985,876 | \$2,141,329,049 |
| 4 | Less estimated income | <u>705,727,065</u> | <u>937,489,392</u> | <u>705,727,065</u> |
| 5 | Total general fund | \$1,435,601,984 | \$1,547,496,484 | \$1,435,601,984 |
| 6 | Full-time equivalent positions | 91.75 | 88.75 | 91.75 |
| 7 | Subdivision 2. | | | |

STATE LIBRARY

| | | | | |
|----|--------------------------------|-------------------|-----------------------|----------------------|
| 9 | | Governor's | | |
| 10 | | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 11 | Salaries and wages | \$4,152,758 | \$4,323,750 | \$4,152,758 |
| 12 | Operating expenses | 1,604,075 | 1,621,917 | 1,604,075 |
| 13 | Grants | <u>2,109,028</u> | <u>2,233,528</u> | <u>2,109,028</u> |
| 14 | Total all funds | \$7,865,861 | \$8,179,195 | \$7,865,861 |
| 15 | Less estimated income | <u>2,247,560</u> | <u>2,371,469</u> | <u>2,247,560</u> |
| 16 | Total general fund | \$5,618,301 | \$5,807,726 | \$5,618,301 |
| 17 | Full-time equivalent positions | 28.75 | 27.75 | 28.75 |
| 18 | Subdivision 3. | | | |

SCHOOL FOR THE DEAF

| | | | | |
|----|--------------------------------|-------------------|-----------------------|----------------------|
| 20 | | Governor's | | |
| 21 | | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 22 | Salaries and wages | \$7,588,749 | \$7,893,802 | \$7,588,749 |
| 23 | Operating expenses | 2,026,543 | 1,705,586 | 2,026,543 |
| 24 | Capital assets | 158,678 | 428,678 | 158,678 |
| 25 | Grants | <u>180,000</u> | <u>40,000</u> | <u>180,000</u> |
| 26 | Total all funds | \$9,953,970 | \$10,068,066 | \$9,953,970 |
| 27 | Less estimated income | <u>2,465,444</u> | <u>2,700,808</u> | <u>2,465,444</u> |
| 28 | Total general fund | \$7,488,526 | \$7,367,258 | \$7,488,526 |
| 29 | Full-time equivalent positions | 45.61 | 43.61 | 45.61 |

Subdivision 4.

NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

| | | Governor's | | |
|---|--------------------------------|-------------------|-----------------------|----------------------|
| | | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 1 | | | | |
| 2 | | | | |
| 3 | Salaries and wages | \$4,660,995 | \$4,960,970 | \$4,660,995 |
| 4 | Operating expenses | 773,206 | 815,821 | 773,206 |
| 5 | Capital assets | <u>39,192</u> | <u>299,692</u> | <u>39,192</u> |
| 6 | Total all funds | \$5,473,393 | \$6,076,483 | \$5,473,393 |
| 7 | Less estimated income | <u>1,079,247</u> | <u>1,331,624</u> | <u>1,079,247</u> |
| 8 | Total general fund | \$4,394,146 | \$4,744,859 | \$4,394,146 |
| 9 | Full-time equivalent positions | 28.50 | 27.90 | 28.50 |

Subdivision 5.

BILL TOTAL

| | | Governor's | | |
|----|---------------------------|--------------------|-----------------------|----------------------|
| | | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 12 | | | | |
| 13 | | | | |
| 14 | Grand total general fund | \$1,453,102,957 | \$1,565,416,327 | \$1,453,102,957 |
| 15 | Grand total special funds | <u>711,519,316</u> | <u>943,893,293</u> | <u>711,519,316</u> |
| 16 | Grand total all funds | \$2,164,622,273 | \$2,509,309,620 | \$2,164,622,273 |

SECTION 2. ONE-TIME FUNDING. The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium:

| | <u>One-Time Funding Description</u> | <u>2017-19</u> | <u>2019-21</u> |
|----|---|--------------------|----------------|
| 19 | | | |
| 20 | Department of public instruction | | |
| 21 | Regional education association merger grants | \$100,000 | \$0 |
| 22 | North Dakota governor's school science, technology, | 220,000 | 0 |
| 23 | engineering, and mathematics programs | | |
| 24 | English language learner grants | 500,000 | 0 |
| 25 | Rapid enrollment grants | 6,000,000 | 0 |
| 26 | Integrated formula payments | <u>185,000,000</u> | <u>0</u> |
| 27 | Total department of public instruction - | \$191,820,000 | \$0 |
| 28 | estimated income | | |
| 29 | School for the deaf | | |
| 30 | Extraordinary repairs | \$675,000 | \$0 |
| 31 | Equipment | 28,000 | 0 |

| | | | |
|----|---|--------------------|----------|
| 1 | Video equipment and software | <u>30,000</u> | <u>0</u> |
| 2 | Total school for the deaf - estimated income | \$733,000 | \$0 |
| 3 | North Dakota vision services - school for the blind | | |
| 4 | Special assessments payoff | \$10,000 | \$0 |
| 5 | Heating and cooling upgrade | 35,500 | 0 |
| 6 | Replace water line | 60,000 | 0 |
| 7 | Carpet and reception upgrade | <u>30,000</u> | <u>0</u> |
| 8 | Total school for the blind - estimated income | \$135,500 | \$0 |
| 9 | Grand total - all funds | \$192,688,500 | \$0 |
| 10 | Grand total - estimated income | <u>192,688,500</u> | <u>0</u> |
| 11 | Grand total - general fund | \$0 | \$0 |

12 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$305,546,905,
13 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is
14 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund
15 that becomes available for distribution to public schools is appropriated to the department of
16 public instruction for that purpose for the biennium beginning July 1, 2019, and ending June 30,
17 2021.

18 **SECTION 4. APPROPRIATION - FOUNDATION AID STABILIZATION FUND.** The
19 estimated income line item in subdivision 1 of section 1 of this Act includes \$110,000,000 from
20 the foundation aid stabilization fund in the state treasury for integrated formula payments for the
21 biennium beginning July 1, 2019, and ending June 30, 2021.

22 **SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**

23 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may
24 expend funds included in the integrated formula payments and grants - special education
25 contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational
26 services that were due in the 2017-19 biennium but which were not filed, claimed, or properly
27 supported by the education provider until after June 30, 2019. To be reimbursed under this
28 section, claims must be properly supported and filed with the superintendent of public
29 instruction by June 30, 2020.

30 **SECTION 6. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING -**
31 **DISTRIBUTION.**

- 1 1. The sum of \$800,000, included in the integrated formula payments line item in
2 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts
3 or special education units for gifted and talented programs upon the submission of an
4 application that is approved in accordance with guidelines adopted by the
5 superintendent of public instruction. The superintendent of public instruction shall
6 encourage cooperative efforts for gifted and talented programs among school districts
7 and special education units.
- 8 2. State school aid payments for special education must be reduced by the amount of
9 matching funds required to be paid by school districts or special education units for
10 students participating in the Medicaid program. Special education funds equal to the
11 amount of the matching funds required to be paid by the school district or special
12 education unit must be paid by the superintendent of public instruction to the
13 department of human services on behalf of the school district or unit.

14 **SECTION 7. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 15 1. During each year of the 2019-21 biennium, the superintendent of public instruction
16 shall calculate the payment to which each school district is entitled based on the state
17 transportation formula as it existed on June 30, 2001, except that the superintendent
18 shall provide reimbursement at the rate of:
 - 19 a. One dollar and eleven cents per mile for school buses having a capacity of ten or
20 more passengers;
 - 21 b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer
22 passengers;
 - 23 c. Fifty cents per mile, provided;
 - 24 (1) The student being transported is a student with a disability, as defined in
25 chapter 15.1-32;
 - 26 (2) The student's individualized education program plan requires that the
27 student attend a public or a nonpublic school located outside the student's
28 school district of residence;
 - 29 (3) The student is transported by an adult member of the student's family;
 - 30 (4) The student is transported in a vehicle furnished by the student's parents;
 - 31 (5) The student's transportation is paid for by the student's parents; and

1 (6) The reimbursement does not exceed two round trips daily between the
2 student's home and school.

3 d. Fifty cents per mile, one way, provided:

4 (1) The student being transported resides more than two miles from the public
5 school that the student attends;

6 (2) The student is transported by an adult member of the student's family;

7 (3) The student is transported in a vehicle furnished by the student's parents;
8 and

9 (4) The student's transportation is paid for by the student's parents.

10 e. Thirty cents per student for each one-way trip.

11 2. The superintendent of public instruction shall use the latest available student
12 enrollment count in each school district in applying the provisions of subsection 1.

13 3. This section does not authorize the reimbursement of any costs incurred in providing
14 transportation for student attendance at extracurricular activities or events.

15 **SECTION 8. PROGRAM GRANT POOL - CONTINUING EDUCATION GRANTS -**

16 **FUNDING - DISTRIBUTION.** The grants - program grants line item in subdivision 1 of section 1
17 of this Act includes \$1,530,000 for a program grant pool. The superintendent of public
18 instruction shall use the funding provided for various grant programs, including up to \$75,000,
19 or so much of the sum as may be necessary, for continuing education grants, for the biennium
20 beginning July 1, 2019, and ending June 30, 2021.

21 1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to
22 eligible recipients in chronological order, based on the date of an individual's
23 application. An eligible recipient must:

24 a. (1) Be licensed to teach by the education standards and practices board;

25 (2) Have taught in this state during each of the last three school years; and

26 (3) Be enrolled at an institution of higher education in this state in either a
27 master of education program in educational leadership or a program leading
28 to a specialist diploma in educational leadership;

29 b. Be pursuing the requirements for a certificate in career development facilitation;
30 or

31 c. Be pursuing a school counselor credential.

2. If any of the amount appropriated for this purpose remains after the superintendent of public instruction has awarded grants to all eligible recipients, the superintendent shall distribute that amount as an additional per student payment on a prorated basis, according to the latest available average daily membership of each school district.

SECTION 9. PASSTHROUGH GRANTS - APPLICATION - DISTRIBUTION -

REPORTING. The grants - passthrough grants line item in subdivision 1 of section 1 of this Act includes \$2,100,000 for passthrough grants for writing projects, an entrepreneur program, and a mentoring program. The superintendent of public instruction shall determine the manner in which each passthrough grant is distributed. Grantees, as a condition of receiving the grant, must establish performance measures to be reviewed by the superintendent of public instruction. Grantees shall report to the superintendent of public instruction regarding performance based on the measures before October 1, 2020. The superintendent of public instruction shall report to the appropriations committees of the sixty-seventh legislative assembly regarding funds granted, performance measures established for each grantee, and whether grantees met performance expectations.

SECTION 10. REGIONAL EDUCATION ASSOCIATIONS - GRANTS- DISTRIBUTION.

The integrated formula payments line item in subdivision 1 of section 1 of this Act includes \$500,000 from the general fund for the purpose of providing annual grants to regional education associations for the biennium beginning July 1, 2019, and ending June 30, 2021. An annual grant of \$31,250 is provided to each regional education association that exists as of July 1, 2019. Regional education associations that merge during the 2019-21 biennium are entitled to the annual grants that would have been paid to each of the member associations.

SECTION 11. EXEMPTION - INDIRECT COST ALLOCATION. Notwithstanding section

54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its operating account.

SECTION 12. STATE AID TO PUBLIC LIBRARIES. The grants line item in subdivision 2 of section 1 of this Act includes \$1,737,528 for aid to public libraries, of which no more than one-half may be expended during the fiscal year ending June 30, 2020.

SECTION 13. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION

INTERPRETER GRANT PROGRAM DISTRIBUTION. The grants line item in subdivision 3 of section 1 of this Act is for the purpose of providing grants to assist institutions under the control

1 of the state board of higher education with the cost of interpreters and real-time captioning for
2 students who are deaf or hard of hearing, for the biennium beginning July 1, 2019, and ending
3 June 30, 2021. Moneys appropriated for this program are not subject to section 54-44.1-11.

4 Funds must be distributed pursuant to the provisions of this section:

- 5 1. The school for the deaf shall develop a formula to determine the grant amount for
6 which an institution is eligible. The formula must be based on an uniform hourly
7 reimbursement.
- 8 2. To obtain a grant under this section, an institution shall submit to the school for the
9 deaf, at the time and in the manner directed by the school, invoices showing the
10 amount expended for interpreters and real-time captioning for students who are deaf
11 or hard of hearing.
- 12 3. The school for the deaf may not distribute more than fifty percent of the amount
13 appropriated during the first year of the biennium.
- 14 4. If any grant moneys remain undistributed at the end of the biennium, the school for the
15 deaf shall provide additional prorated grants to institutions that incurred, during the
16 biennium, hourly expenses in excess of the formula reimbursement level.
- 17 5. At the request of an institution under the control of the state board of higher education,
18 the school for the deaf shall consult with the institution and provide advice regarding
19 the provision of services most appropriate to meet a student's needs.

20 **SECTION 14. FEES DEPOSITED IN NORTH DAKOTA VISION SERVICES - SCHOOL**
21 **FOR THE BLIND OPERATING FUND.** Any moneys included in the estimated income line item
22 in subdivision 4 of section 1 of this Act, collected for subscription fees or braille fees, must be
23 deposited in the North Dakota vision services - school for the blind operating fund in the state
24 treasury and may be spent subject to appropriation by the legislative assembly.