

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2013

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 public instruction, the school for the deaf, the school for the blind, and the state library; to
3 amend and reenact section 15-21-02 of the North Dakota Century Code or in the alternative to
4 amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary
5 of the superintendent of public instruction; to repeal section 2 of Senate Bill No. 2381, as
6 enacted by the fifty-sixth legislative assembly; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
10 the state treasury, not otherwise appropriated, and from special funds derived from federal
11 funds and other income, to the department of public instruction, the school for the deaf, the
12 school for the blind, and the state library for the purpose of defraying the expenses of their
13 various divisions, for the biennium beginning July 1, 1999, and ending June 30, 2001, as
14 follows:

15 Subdivision 1.

16 DEPARTMENT OF PUBLIC INSTRUCTION

17 Salaries and wages	\$11,706,777
18 Operating expenses	10,107,032
19 Equipment	591,036
20 Grants - Foundation aid and transportation	481,006,259
21 Grants - Revenue supplement payments	3,100,000
22 Grants - Tuition apportionment	53,528,217
23 Grants - Special education	44,600,000
24 Grants - Other grants	132,695,566

1	Less estimated income	<u>863,400</u>
2	Total general fund appropriation	\$2,328,405
3	Grand total general fund appropriation S.B. 2013	\$548,840,795
4	Grand total special funds appropriation S.B. 2013	\$202,361,835
5	Grand total all funds appropriation S.B. 2013	\$751,202,630

6 **SECTION 2. APPROPRIATION - TUITION APPORTIONMENT.** The sum of
7 \$53,528,217, or such greater or lesser sums as become available, included in the grants -
8 tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act,
9 are hereby appropriated to the department of public instruction out of any moneys in the state
10 tuition fund in the state treasury to the public schools of this state as provided in section 2 of
11 article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning
12 July 1, 1999, and ending June 30, 2001.

13 **SECTION 3. EXPENDITURE AUTHORITY.** The superintendent of public instruction
14 may expend funds appropriated in the grants - foundation aid and transportation and grants -
15 special education line items in subdivision 1 of section 1 of this Act in payment of grants for
16 education services that were due in the 1997-99 biennium but which were not filed, claimed, or
17 properly supported by the education provider in question until after June 30, 1999.

18 **SECTION 4. NATIONAL BOARD CERTIFICATION.** The national board certification
19 line item in subdivision 1 of section 1 of this Act must be distributed by the department of public
20 instruction to the education standards and practices board to pay one-half of the application fee
21 required to be remitted to the national board for professional teaching standards for each
22 applicant from this state taking the national board examination.

23 **SECTION 5. DISTRIBUTION OF SPECIAL EDUCATION AID.** The grants - special
24 education line item in subdivision 1 of section 1 of this Act must be distributed as follows:

- 25 1. Ten million five hundred thousand dollars to reimburse school districts or special
26 education units for excess costs incurred relating to contracts for students with
27 disabilities and for boarding care reimbursements.
- 28 2. Four hundred thousand dollars to reimburse school districts or special education
29 units for gifted and talented programs upon the submission of an application that is
30 approved in accordance with guidelines adopted by the superintendent of public
31 instruction. The superintendent of public instruction shall encourage cooperative

1 efforts for gifted and talented programs among school districts and special
2 education units.

3 3. Any amount remaining in the grants - special education line item must be
4 distributed on a per student basis as required by section 15-40.1-07.6, excluding
5 reimbursements for student contracts, boarding care, and gifted and talented
6 programs. State special education payments distributed as required by section
7 15-40.1-07.6 must be reduced by the amount of matching funds required to be
8 paid by school districts or special education units for students participating in the
9 medicaid program. Special education funds equal to the amount of the matching
10 funds required to be paid by the school district or special education unit must be
11 paid by the superintendent of public instruction to the department of human
12 services on behalf of the school district or unit.

13 **SECTION 6. TECHNOLOGY GRANTS.** The grants - other grants line item in
14 subdivision 1 of section 1 of this Act includes \$1,000,000 from the state general fund for grants
15 to schools for technology or teacher professional development related expenditures. The
16 educational telecommunications council shall determine the maximum amount to which each
17 school district is entitled by dividing the number of elementary and secondary students in
18 average daily membership in this state into the amount appropriated from the state general
19 fund in subdivision 1 of section 1 of this Act for technology grants and then multiplying the
20 result by the number of students in average daily membership in each district.

21 **SECTION 7. LEGISLATIVE INTENT - TECHNOLOGY GRANTS - SCHOOL**
22 **DISTRICT USE.** It is the intent of the fifty-sixth legislative assembly that school districts use the
23 funds distributed pursuant to section 6 of this Act to facilitate communications with the
24 department of public instruction by providing internet connectivity for the administrative office of
25 each school and each school district before the funds are used for any other purpose.

26 **SECTION 8. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.** The
27 grants - foundation aid and transportation line item in subdivision 1 of section 1 of this Act
28 includes up to \$400,000 from the state general fund which, pursuant to section 15-40.1-07.7,
29 must be distributed to school districts educating limited English proficient students.

1 **SECTION 9. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15,
2 the department of public instruction may deposit indirect cost recoveries in its operating
3 account.

4 **SECTION 10. DISPLACED HOMEMAKER FUND.** The amount of \$250,000, or so
5 much of the sum as may be necessary, included in the estimated income line item in
6 subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of
7 providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium
8 beginning July 1, 1999, and ending June 30, 2001.

9 **SECTION 11. GRANTS.** The grants line item in subdivision 2 of section 1 of this Act
10 includes \$888,745 for aid to public libraries of which no more than one-half is to be expended
11 during the fiscal year ending June 30, 2000.

12 **SECTION 12. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in
13 the estimated income line item in subdivision 4 of section 1 of this Act, collected for subscription
14 fees or braille fees, must be deposited in the school for the blind operating fund in the state
15 treasury and may be spent subject to appropriation by the legislative assembly.

16 **SECTION 13. EXEMPTION.** The operating expenses line item in subdivision 1 of
17 section 1 of chapter 13 of the 1997 Session Laws includes up to \$70,400 from the state general
18 fund which is not subject to the provisions of section 54-44.1-11 and may be used for continued
19 operating costs for the accreditation program during the biennium beginning July 1, 1999, and
20 ending June 30, 2001.

21 **SECTION 14. RED RIVER VALLEY WRITING PROJECT.** The operating expenses
22 line item in subdivision 1 of section 1 of this Act includes \$10,000 from the state general fund
23 which must be used to support the Red River Valley writing project.

24 **SECTION 15. FUNDING FOR LEADERSHIP IN EDUCATIONAL ADMINISTRATION**
25 **DEVELOPMENT CONSORTIUM AND TEACHER CENTER NETWORK.** The grants - other
26 grants line item in subdivision 1 of section 1 of this Act includes \$200,000 from the state
27 general fund for grants to the leadership in educational administration development consortium
28 and \$210,000 from the state general fund for grants to the teacher center network.

29 **SECTION 16. LEGISLATIVE INTENT - LEADERSHIP IN EDUCATIONAL**
30 **ADMINISTRATION DEVELOPMENT CONSORTIUM AND TEACHER CENTER NETWORK -**
31 **COOPERATIVE PROGRAMS.** It is the intent of the fifty-sixth legislative assembly that to the

1 extent possible, the leadership in educational administration development consortium and the
2 teacher center network work cooperatively to improve the development and delivery of
3 programs and services to educational administrators and teachers.

4 **SECTION 17. LEGISLATIVE INTENT - ELECTRONIC ACCESS TO DEPARTMENT**
5 **OF PUBLIC INSTRUCTION PUBLICATIONS - SCHOOL DISTRICT ELECTRONIC**

6 **REPORTING.** It is the intent of the fifty-sixth legislative assembly that to reduce printing and
7 mailing costs incurred by the department of public instruction and to provide additional access
8 to information, by July 1, 2000, the department shall, to the extent possible, provide electronic
9 access to all publications and other documents produced by the department for distribution to
10 school districts and shall reduce the number of publications and documents printed and
11 distributed by mail. It is the intent of the fifty-sixth legislative assembly that to reduce mailing
12 costs incurred by school districts and to increase the efficiency of communications between
13 school districts and the department of public instruction, by July 1, 2001, school districts shall,
14 to the extent possible, electronically prepare and transfer all reports and information required to
15 be submitted to the department of public instruction.

16 **SECTION 18. AMENDMENT.** If House Bill No. 1034 does not become effective,
17 section 15-21-02 of the 1997 Supplement to the North Dakota Century Code is amended and
18 reenacted as follows:

19 **15-21-02. Salary and traveling expenses.** The annual salary of the superintendent of
20 public instruction is ~~forty-six~~ fifty-nine thousand ~~five~~ four hundred ~~sixty-eight~~ thirty-seven dollars
21 through June 30, ~~1998~~ 2000, ~~sixty thousand six hundred twenty-six~~ dollars through
22 December 31, 2000, and ~~fifty-eight~~ sixty-seven thousand ~~two~~ six hundred ~~seventy-two~~ nineteen
23 dollars thereafter. The superintendent is also entitled to reimbursement for expenses incurred
24 in the discharge of official duties, such expenses to be paid monthly on a warrant prepared by
25 the office of management and budget and signed by the state auditor, upon the filing of an
26 itemized and verified statement of expenses.

27 **SECTION 19. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code
28 as created by House Bill No. 1034, as approved by the fifty-six legislative assembly, is
29 amended and reenacted as follows:

30 **15.1-02-02. Salary and traveling expenses.** The annual salary of the superintendent
31 of public instruction is ~~fifty-eight~~ fifty-nine thousand ~~two~~ four hundred ~~seventy-two~~ thirty-seven

1 dollars through June 30, 2000, sixty thousand six hundred twenty-six dollars through
2 December 31, 2000, and sixty-seven thousand six hundred nineteen dollars thereafter.

3 **SECTION 20. REPEAL.** Section 2 of Senate Bill No. 2381, as enacted by the fifty-sixth
4 legislative assembly, is repealed.

5 **SECTION 21. EMERGENCY.** The capital improvements line item in subdivision 3 of
6 section 1 of this Act includes \$100,000 from the state general fund for the construction of an
7 independent living cottage which is declared to be an emergency measure.