

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1383  
(Representatives Hawken, Delmore, Herbel, Meier)  
(Senators Flakoll, Holmberg)

AN ACT to amend and reenact section 15.1-27-12 of the North Dakota Century Code, relating to per student payments for English language learners.

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

**SECTION 1. AMENDMENT.** Section 15.1-27-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-12. Per student payments - ~~Limited English proficient students~~ language learners.**

1. In addition to any other payments provided for by this chapter, each school district is entitled to receive:
  - a. ~~Four hundred twenty five dollars for each student who has been assessed by the student's school district and found to have negligible limited English language skills, as evidenced by a classification of level I using the Woodcock-Munoz language survey;~~
  - b. ~~Three hundred twenty five dollars for each student who has been assessed by the student's school district and determined to have very limited English language skills, as evidenced by a classification of level II using the Woodcock-Munoz language survey; and~~
  - e. ~~Two hundred twenty five dollars for each student who has been assessed by the student's school district and determined to have limited English language skills, as evidenced by a classification of level III using the Woodcock-Munoz language survey~~ The amount of money that results from multiplying the per student amount calculated under subsection 5 by 10.0 for each English language learner determined to have preliteracy English language skills and a proficiency level of I;
  - b. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 8.0 for each English language learner determined to have beginning English language skills and a proficiency level of II;
  - c. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 4.0 for each English language learner determined to have intermediate English language skills and a proficiency level of III; and
  - d. The per student amount calculated under subsection 5 for each English language learner determined to have basic English language skills and a proficiency level of IV.
2. In order to be eligible for assessment under this section, a student:
  - a. Must be at least five years of age but must not have reached the age of twenty-two;
  - b. Must be enrolled in a school district in this state;

- c. Must have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
    - d. Must have difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards.
  3. In order to be eligible for the payment provided for in this section, a school district must provide an approved program of instruction for students who have ~~negligible-limited~~ preliterate English language skills, ~~very-limited~~ beginning English language skills, ~~or-limited~~ intermediate English language skills, or basic English language skills.
  4.
    - a. In order to receive the full payment provided for in this section, a school district must ~~complete the student assessment required by subsection 1 and forward the results to the superintendent of public instruction on or before December first of each school year~~ assess each eligible student using a proficiency test that is aligned to the state English language proficiency standards and the state language proficiency test.
    - b. On or before December first of each year, a school district shall submit to the superintendent of public instruction an application for payment. The application must include:
      - (1) A description of the district's English language learner program;
      - (2) The result of the district's annual student assessment required under subdivision a; and
      - (3) Any other information requested by the superintendent of public instruction.
  5.
    - a. Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:
      - (1) Ten times the number of level I students;
      - (2) Eight times the number of level II students;
      - (3) Four times the number of level III students; and
      - (4) The number of level IV students.
    - b. The superintendent of public instruction shall determine the per student amount used to calculate payments under this section during the first year of the biennium by dividing the total weighted number of students eligible for payment under this section into forty-nine percent of the total amount appropriated for this section.
    - c. The superintendent of public instruction shall determine the per student dollar amount used to calculate payments under this section during the second year of the biennium by dividing the total weighted number of students eligible for payment under this section into fifty-one percent of the total amount appropriated for this section.
  6. The superintendent shall distribute the payments no later than May thirtieth of each school year. ~~The superintendent shall prorate payments under this section for any students registering in the school district after the start of the school year or departing from the school district prior to the completion of the school year.~~

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1383.

House Vote:      Yeas    92      Nays    0      Absent    2

Senate Vote:    Yeas    44      Nays    1      Absent    2

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State