

**HOUSE BILL NO. 1320**

Introduced by

Representatives Mueller, Hawken, R. Kelsch

Senators Bakke, Flakoll, Taylor

1 A BILL for an Act to create and enact four new sections to chapter 15.1-37 of the North Dakota  
2 Century Code, relating to the establishment of a prekindergarten program; to amend and  
3 reenact section 15.1-37-01 of the North Dakota Century Code, relating to the approval of early  
4 childhood education programs; and to provide an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-37-01. Early childhood education program - Approval.**

- 9 1. Any person or school district operating an early childhood education program may  
10 request approval of the program from the superintendent of public instruction. The  
11 superintendent shall approve an early childhood education program if the program:  
12 ~~4.~~ a. Is taught by individuals who are licensed to teach in early childhood education  
13 by the education standards and practices board;  
14 ~~2.~~ b. Follows a developmentally appropriate curriculum; and  
15 ~~3.~~ c. Is in compliance with all municipal and state health, fire, and safety  
16 requirements.

17 ~~Per student funding will not be provided to individuals or school districts offering a~~  
18 ~~prekindergarten program.~~

- 19 2. For purposes of this section, "early childhood education program" includes a  
20 prekindergarten program established under section 2 of this Act.

21 **SECTION 2.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Prekindergarten program - Authority.** The board of a school district may establish a  
24 prekindergarten program. The program must be available to students who are at least four

1 years old by midnight, August thirty-first of the year of enrollment, but who are not enrolled in a  
2 public school kindergarten program. The enrollment of a student in a prekindergarten program  
3 is voluntary. A prekindergarten program may also be established through an educational  
4 association governed by a joint powers agreement.

5 **SECTION 3.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Prekindergarten program - Facilities.** A prekindergarten program established under  
8 section 2 of this Act may be located in a public school building, if space is available, or in any  
9 other setting that meets all local and state health, fire, and safety laws.

10 **SECTION 4.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
11 created and enacted as follows:

12 **Prekindergarten program - Financial support.** The board of a school district may  
13 receive and expend any state or federal funds specifically appropriated for the support of a  
14 prekindergarten program and any gifts, grants, and donations for that purpose. The board may  
15 not use any state funds appropriated for students in kindergarten, in grades one through twelve,  
16 or in early childhood special education programs, to support a prekindergarten program.

17 **SECTION 5.** A new section to chapter 15.1-37 of the North Dakota Century Code is  
18 created and enacted as follows:

19 **Prekindergarten program - Requirements.** In order to receive any state funding for a  
20 prekindergarten program established under section 2 of this Act, a district shall:

- 21 1. Use an application process for the admission of students to the program;
- 22 2. Give admission priority to students who come from families with income levels that  
23 meet the eligibility requirements for free and reduced lunch programs;
- 24 3. Limit the size of each prekindergarten class to twenty students;
- 25 4. Ensure that the adult-to-child ratio in each class does not exceed one to ten;
- 26 5. Provide a half-day or full-day program with a duration at least equal to ninety full  
27 days of instruction;
- 28 6. Admit only those students whose parents permit the collection and dissemination  
29 of data regarding the cognitive, physical, and social development of the student;  
30 and
- 31 7. Meet the criteria for program approval established in section 15.1-37-01.

1           **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the  
2 general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much  
3 of the sum as may be necessary, to the superintendent of public instruction for the purpose of  
4 providing grants to school districts offering prekindergarten programs for the biennium  
5 beginning July 1, 2007, and ending June 30, 2009. The superintendent of public instruction  
6 shall distribute \$450,000 in grants according to the number of students each school district has  
7 in approved prekindergarten programs. The grant payment per student may not exceed fifty  
8 percent of the per student payment established for students in grades one through twelve. The  
9 superintendent may prorate the per student payment if the appropriation in this section is  
10 insufficient. The superintendent may use \$50,000 of the amount appropriated by this section to  
11 cover administrative fees and monitoring expenses incurred as a result of the program.