

**HOUSE BILL NO. 1013**

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 an exemption~~ to amend and reenact sections  
 4 15.1-02-02, 15.1-02-16, 15.1-06-19, and 15.1-27-16 of the North Dakota Century Code, relating  
 5 to the salary of the superintendent of public instruction, credentialing, school counselors, and  
 6 administrative cost-sharing for cooperating districts; to provide for a transfer; to provide an  
 7 exemption; to provide for a legislative management study; to provide for reports; and to provide  
 8 an expiration date.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 11 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 13 other income, to the department of public instruction, the state library, the school for the deaf,  
 14 and North Dakota vision services - school for the blind for the purpose of defraying the  
 15 expenses of those agencies, for the biennium beginning July 1, 2021, and ending June 30,  
 16 2023, as follows:

17 Subdivision 1.

18 DEPARTMENT OF PUBLIC INSTRUCTION

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
Salaries and wages	\$18,027,035	\$18,575,649	\$18,027,035
Operating expenses	33,770,947	35,503,599	33,770,947
Integrated formula payments	2,098,202,429	2,112,224,733	2,098,202,429
Grants - special education	24,000,000	27,000,000	24,000,000

Sixty-seventh  
Legislative Assembly

1	<del>Grants - transportation</del>	<del>56,500,000</del>	<del>56,500,000</del>	<del>56,500,000</del>
2	<del>Grants - other grants</del>	<del>287,062,705</del>	<del>312,062,705</del>	<del>287,062,705</del>
3	<del>Grants - program grants</del>	<del>7,680,000</del>	<del>10,080,000</del>	<del>7,680,000</del>
4	<del>Grants - passthrough grants</del>	<del>2,863,764</del>	<del>2,434,199</del>	<del>2,863,764</del>
5	<del>PowerSchool</del>	<del>5,500,000</del>	<del>5,250,000</del>	<del>5,500,000</del>
6	<del>National board certification</del>	<del>108,000</del>	<del>108,000</del>	<del>108,000</del>
7	<del>Total all funds</del>	<del>\$2,533,714,880</del>	<del>\$2,579,738,885</del>	<del>\$2,533,714,880</del>
8	<del>Less estimated income</del>	<del>812,553,743</del>	<del>981,683,478</del>	<del>812,553,743</del>
9	<del>Total general fund</del>	<del>\$1,721,161,137</del>	<del>\$1,598,055,407</del>	<del>\$1,721,161,137</del>
10	<del>Full-time equivalent positions</del>	<del>89.25</del>	<del>89.25</del>	<del>89.25</del>
11		<u>Adjustments or</u>		
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	<u>Salaries and wages</u>	<u>\$18,027,035</u>	<u>(\$188,572)</u>	<u>\$17,838,463</u>
14	<u>Operating expenses</u>	<u>33,770,947</u>	<u>(672,798)</u>	<u>33,098,149</u>
15	<u>Integrated formula payments</u>	<u>2,098,202,429</u>	<u>168,071</u>	<u>2,098,370,500</u>
16	<u>Grants - special education</u>	<u>24,000,000</u>	<u>3,000,000</u>	<u>27,000,000</u>
17	<u>Grants - transportation</u>	<u>56,500,000</u>	<u>0</u>	<u>56,500,000</u>
18	<u>Grants - other grants</u>	<u>287,062,705</u>	<u>25,676,188</u>	<u>312,738,893</u>
19	<u>Grants - program grants</u>	<u>7,680,000</u>	<u>(7,680,000)</u>	<u>0</u>
20	<u>Grants - passthrough grants</u>	<u>2,863,764</u>	<u>(2,863,764)</u>	<u>0</u>
21	<u>Grants - program and passthrough</u>	<u>0</u>	<u>23,733,064</u>	<u>23,733,064</u>
22	<u>PowerSchool</u>	<u>5,500,000</u>	<u>(250,000)</u>	<u>5,250,000</u>
23	<u>National board certification</u>	<u>108,000</u>	<u>68,290</u>	<u>176,290</u>
24	<u>Total all funds</u>	<u>\$2,533,714,880</u>	<u>\$40,990,479</u>	<u>\$2,574,705,359</u>
25	<u>Less estimated income</u>	<u>812,553,743</u>	<u>105,661,414</u>	<u>918,215,157</u>
26	<u>Total general fund</u>	<u>\$1,721,161,137</u>	<u>(\$64,670,935)</u>	<u>\$1,656,490,202</u>
27	<u>Full-time equivalent positions</u>	<u>89.25</u>	<u>(3.00)</u>	<u>86.25</u>
28	Subdivision 2.			
29		STATE LIBRARY		
30			<u>Governor's</u>	
31		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>

Sixty-seventh  
Legislative Assembly

1	Salaries and wages	\$4,300,335	\$4,142,089	\$4,300,335
2	Operating expenses	1,621,917	2,103,396	1,621,917
3	Grants	<u>2,233,528</u>	<u>2,146,649</u>	<u>2,233,528</u>
4	Total all funds	\$8,155,780	\$8,392,134	\$8,155,780
5	Less estimated income	<u>2,374,361</u>	<u>2,368,225</u>	<u>2,374,361</u>
6	Total general fund	\$5,781,419	\$6,023,909	\$5,781,419
7	Full-time equivalent positions	27.75	26.75	27.75
8		Adjustments or		
9		Base Level	Enhancements	Appropriation
10	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066
11	Operating expenses	1,621,917	200,786	1,822,703
12	Grants	2,233,528	0	2,233,528
13	Total all funds	\$8,155,780	\$48,517	\$8,204,297
14	Less estimated income	2,374,361	(10,438)	2,363,923
15	Total general fund	\$5,781,419	\$58,955	\$5,840,374
16	Full-time equivalent positions	27.75	(1.00)	26.75

Subdivision 3.

SCHOOL FOR THE DEAF

19		Governor's		
20		Base Level	Recommendation	Appropriation
21	Salaries and wages	\$8,054,944	\$8,342,967	\$8,054,944
22	Operating expenses	1,705,586	1,705,586	1,705,586
23	Capital assets	158,678	856,178	158,678
24	Grants	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>
25	Total all funds	\$9,959,208	\$10,944,731	\$9,959,208
26	Less estimated income	<u>2,430,358</u>	<u>3,487,434</u>	<u>2,430,358</u>
27	Total general fund	\$7,528,850	\$7,457,297	\$7,528,850
28	Full-time equivalent positions	44.61	44.61	44.61
29		Adjustments or		
30		Base Level	Enhancements	Appropriation
31	Salaries and wages	\$8,054,944	\$282,522	\$8,337,466

Sixty-seventh  
Legislative Assembly

1	Operating expenses	1,705,586	0	1,705,586
2	Capital assets	158,678	697,500	856,178
3	Grants	40,000	(40,000)	0
4	Total all funds	\$9,959,208	\$940,022	\$10,899,230
5	Less estimated income	2,430,358	1,058,622	3,488,980
6	Total general fund	\$7,528,850	(\$118,600)	\$7,410,250
7	Full-time equivalent positions	44.61	0.00	44.61

8 Subdivision 4.

9 NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

10	<u>Governor's</u>			
11		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12	Salaries and wages	\$4,935,291	\$4,997,855	\$4,935,291
13	Operating expenses	795,821	792,671	795,821
14	Capital assets	39,192	409,192	39,192
15	Total all funds	\$5,770,304	\$6,199,718	\$5,770,304
16	Less estimated income	1,052,315	1,577,290	1,052,315
17	Total general fund	\$4,717,989	\$4,622,428	\$4,717,989
18	Full-time equivalent positions	27.90	27.75	27.90

19	<u>Adjustments or</u>			
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Salaries and wages	\$4,935,291	\$60,053	\$4,995,344
22	Operating expenses	795,821	29,850	825,671
23	Capital assets	39,192	284,000	323,192
24	Total all funds	\$5,770,304	\$373,903	\$6,144,207
25	Less estimated income	1,052,315	473,796	1,526,111
26	Total general fund	\$4,717,989	(\$99,893)	\$4,618,096
27	Full-time equivalent positions	27.90	(0.15)	27.75

28 Subdivision 5.

29 TOTAL - SECTION 1

30	<u>Governor's</u>			
31		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>

Sixty-seventh  
Legislative Assembly

1	<del>Grand total general fund</del>	<del>\$1,739,189,395</del>	<del>\$1,616,159,041</del>	<del>\$1,739,189,395</del>
2	<del>Grand total special funds</del>	<del>818,410,777</del>	<del>989,116,427</del>	<del>818,410,777</del>
3	<del>Grand total all funds</del>	<del>\$2,557,600,172</del>	<del>\$2,605,275,468</del>	<del>\$2,557,600,172</del>

4	<u>Adjustments or</u>			
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	<u>Grand total general fund</u>	\$1,739,189,395	(\$64,830,473)	\$1,674,358,922
7	<u>Grand total special funds</u>	818,410,777	107,183,394	925,594,171
8	<u>Grand total all funds</u>	\$2,557,600,172	\$42,352,921	\$2,599,953,093

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**

**EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

13	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
14	Department of public instruction		
15	<del>Rapid enrollment grants</del>	<del>\$3,000,000</del>	<del>\$0</del>
16	<u>Science experiments grant</u>	\$0	\$13,500,000
17	<u>Rapid enrollment grants</u>	3,000,000	0
18	State automated reporting system rewrite	1,200,000	0
19	Music education grants	800,000	0
20	State school aid formula rewrite	<u>200,000</u>	<u>0</u>
21	<del>Total department of public instruction</del>	<del>\$5,200,000</del>	<del>\$0</del>
22	<del>all funds</del>		
23	<del>Total department of public instruction</del>	<del>5,000,000</del>	<del>0</del>
24	<del>estimated income</del>		
25	<del>Total department of public instruction</del>	<del>\$200,000</del>	<del>\$0</del>
26	<del>general fund</del>		
27	<u>Total department of public instruction -</u>	<u>\$5,200,000</u>	<u>\$13,500,000</u>
28	<u>all funds</u>		
29	<u>Total department of public instruction -</u>	<u>5,000,000</u>	<u>13,500,000</u>
30	<u>estimated income</u>		
31	<u>Total department of public instruction -</u>	<u>\$200,000</u>	<u>\$0</u>

Sixty-seventh  
Legislative Assembly

1	<u>general fund</u>		
2	<del>School for the deaf</del>		
3	<del>Extraordinary repairs</del>	<del>\$250,000</del>	<del>\$0</del>
4	<del>Equipment</del>	<del>20,000</del>	<del>0</del>
5	<del>Total school for the deaf - estimated income</del>	<del>\$270,000</del>	<del>\$0</del>
6	<u>School for the deaf</u>		
7	<u>Extraordinary repairs</u>	<u>\$250,000</u>	<u>\$0</u>
8	<u>Campus server upgrade</u>	<u>0</u>	<u>7,500</u>
9	<u>Equipment</u>	<u>20,000</u>	<u>40,000</u>
10	<u>Boiler and resource center projects</u>	<u>0</u>	<u>650,000</u>
11	<u>Total school for the deaf - estimated income</u>	<u>\$270,000</u>	<u>\$697,500</u>
12	<del>North Dakota vision services - school for the blind</del>		
13	<del>South wing restroom remodel</del>	<del>\$120,000</del>	<del>\$0</del>
14	<del>Gymnasium floor replacement</del>	<del>42,000</del>	<del>0</del>
15	<del>West wing roof repair</del>	<del>39,000</del>	<del>0</del>
16	<del>Daily living skills area remodel</del>	<del>25,000</del>	<del>0</del>
17	<del>Adaptive technology equipment</del>	<del>20,000</del>	<del>0</del>
18	<del>Other repairs</del>	<del>18,500</del>	<del>0</del>
19	<del>Garage door replacement</del>	<del>16,000</del>	<del>0</del>
20	<del>Total school for the blind - estimated income</del>	<del>\$280,500</del>	<del>\$0</del>
21	<u>North Dakota vision services - school for the blind</u>		
22	<u>South wing restroom remodel</u>	<u>\$120,000</u>	<u>\$0</u>
23	<u>Gymnasium floor replacement</u>	<u>42,000</u>	<u>0</u>
24	<u>West wing roof repair</u>	<u>39,000</u>	<u>0</u>
25	<u>Daily living skills area remodel</u>	<u>25,000</u>	<u>0</u>
26	<u>Adaptive technology equipment</u>	<u>20,000</u>	<u>0</u>
27	<u>Other repairs</u>	<u>18,500</u>	<u>0</u>
28	<u>Garage door replacement</u>	<u>16,000</u>	<u>0</u>
29	<u>Replace flooring</u>	<u>0</u>	<u>10,000</u>
30	<u>Replace south wing air conditioning</u>	<u>0</u>	<u>40,000</u>
31	<u>Repair sidewalk, roof, and parking lot</u>	<u>0</u>	<u>24,000</u>

1	<u>Replace doors and key system</u>	0	45,000
2	<u>Install LED lighting</u>	0	33,000
3	<u>South wing electrical service</u>	0	165,000
4	<u>Total school for the blind - estimated income</u>	\$280,500	\$317,000
5	<del>Grand total - all funds</del>	<del>\$5,750,500</del>	<del>\$0</del>
6	<del>Grand total - estimated income</del>	<del>5,550,500</del>	<del>0</del>
7	<del>Grand total - general fund</del>	<del>\$200,000</del>	<del>\$0</del>
8	<u>Grand total - all funds</u>	\$5,750,500	\$14,514,500
9	<u>Grand total - estimated income</u>	5,550,500	14,514,500
10	<u>Grand total - general fund</u>	\$200,000	\$0

11 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
 12 the 2023-25 biennium. The department of public instruction, school for the deaf, and North  
 13 Dakota vision services - school for the blind shall report to the appropriations committees of the  
 14 sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning  
 15 July 1, 2021, and ending June 30, 2023.

16 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of  
 17 ~~\$377,764,000~~\$433,020,000, included in the integrated formula payments line item in  
 18 subdivision 1 of section 1 of this Act, is from the state tuition fund in the state treasury. Any  
 19 additional amount in the state tuition fund that becomes available for distribution to public  
 20 schools is appropriated to the department of public instruction for that purpose for the biennium  
 21 beginning July 1, 2021, and ending June 30, 2023.

22 **SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The  
 23 estimated income line item in subdivision 1 of section 1 of this Act includes the sum of  
 24 \$110,000,000 from the foundation aid stabilization fund for integrated formula payments.

25 **SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**  
 26 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may  
 27 expend funds included in the integrated formula payments and grants - special education  
 28 contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational  
 29 services that were due in the 2019-21 biennium but which were not filed, claimed, or properly  
 30 supported by the education provider until after June 30, 2021. To be reimbursed under this

1 section, claims must be properly supported and filed with the superintendent of public  
2 instruction by June 30, 2022.

3 **SECTION 6. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING -**  
4 **DISTRIBUTION.**

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

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

- 19 1. During each year of the 2021-23 biennium, the superintendent of public instruction  
20 shall calculate the payment to which each school district is entitled based on the state  
21 transportation formula as it existed on June 30, 2001, except that the superintendent  
22 shall provide reimbursement at the rate of:
- 23 a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or  
24 more passengers;
- 25 b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer  
26 passengers;
- 27 c. Fifty cents per mile, provided:
- 28 (1) The student being transported is a student with a disability, as defined in  
29 chapter 15.1-32;



- 1 (2) The student's individualized education program plan requires that the
- 2 student attend a public or a nonpublic school located outside the student's
- 3 school district of residence;
- 4 (3) The student is transported by an adult member of the student's family;
- 5 (4) The student is transported in a vehicle furnished by the student's parents;
- 6 (5) The student's transportation is paid for by the student's parents; and
- 7 (6) The reimbursement does not exceed two round trips daily between the
- 8 student's home and school.
- 9 d. Fifty cents per mile, one way, provided:
  - 10 (1) The student being transported resides more than two miles from the public
  - 11 school that the student attends;
  - 12 (2) The student is transported by an adult member of the student's family;
  - 13 (3) The student is transported in a vehicle furnished by the student's parents;
  - 14 and
  - 15 (4) The student's transportation is paid for by the student's parents.
- 16 e. Thirty cents per student for each one-way trip.
- 17 2. The superintendent of public instruction shall use the latest available student
- 18 enrollment count in each school district in applying the provisions of subsection 1.
- 19 3. This section does not authorize the reimbursement of any costs incurred in providing
- 20 transportation for student attendance at extracurricular activities or events.

~~21 **SECTION 9. PROGRAM GRANT POOL -- CONTINUING EDUCATION GRANTS --**~~

~~22 **FUNDING -- DISTRIBUTION.** The grants -- program grants line item in subdivision 1 of section 1~~  
~~23 of this Act includes \$1,500,000 for a program grant pool. The superintendent of public~~  
~~24 instruction shall use the funding provided for various grant programs, including up to \$125,000,~~  
~~25 or so much of the sum as may be necessary, for continuing education grants, for the biennium~~  
~~26 beginning July 1, 2021, and ending June 30, 2023.~~

~~27 1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to~~  
~~28 eligible recipients in chronological order, based on the date of an individual's~~  
~~29 application. An eligible recipient must:~~

~~30 a. (1) Be licensed to teach by the education standards and practices board;~~

~~31 (2) Have taught in this state during each of the last three school years; and~~

1 ~~\_\_\_\_\_ (3) Be enrolled at an institution of higher education in this state in either a~~  
2 ~~master of education program in educational leadership or a program leading to~~  
3 ~~to a specialist diploma in educational leadership;~~

4 ~~\_\_\_\_\_ b. Be pursuing the requirements for a certificate in career development facilitation;~~  
5 ~~or~~

6 ~~\_\_\_\_\_ c. Be pursuing a school counselor credential.~~

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

11 ~~\_\_\_\_\_ **SECTION 9. PASSTHROUGH GRANTS - APPLICATION - DISTRIBUTION -**~~

12 ~~**REPORTING.** The grants — passthrough grants line item in subdivision 1 of section 1 of this Act~~  
13 ~~includes \$2,863,764 for passthrough grants. The superintendent of public instruction shall~~  
14 ~~determine the manner in which each passthrough grant is distributed, but no more than one-half~~  
15 ~~of the funding may be provided each year of the biennium. Annually grantees, as a condition of~~  
16 ~~receiving the grant, must establish performance measures to be reviewed by the superintendent~~  
17 ~~of public instruction. Grantees shall report annually to the superintendent of public instruction~~  
18 ~~regarding performance based on the measures. The superintendent may not distribute the grant~~  
19 ~~payment for the second year of the biennium until the grantee submits the annual report for the~~  
20 ~~first year of the biennium. The superintendent of public instruction shall report to the~~  
21 ~~appropriations committees of the sixty-eighth legislative assembly regarding funds granted,~~  
22 ~~performance measures established for each grantee, and whether grantees met performance~~  
23 ~~expectations.~~

24 **SECTION 8. CONDITION ON APPROPRIATION FOR GRANTS - PROGRAM AND**

25 **PASSTHROUGH LINE ITEM.** The appropriation in the grants - program and passthrough line  
26 item in subdivision 1 of section 1 of this Act is conditioned on the superintendent of public  
27 instruction not using federal funds to defray the expenses of the following programs for which  
28 state funding is provided in this line item for the biennium beginning July 1, 2021, and ending  
29 June 30, 2023:

- 30 1. Adult education matching grants;  
31 2. School food services matching grants;

- 1       3.    Program grant pool; and
- 2       4.    Mentoring program.

3       **SECTION 9. REGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION.** The  
4 integrated formula payments line item in subdivision 1 of section 1 of this Act includes \$500,000  
5 from the general fund for the purpose of providing annual grants to regional education  
6 associations for the biennium beginning July 1, 2021, and ending June 30, 2023. An annual  
7 grant of \$35,714 is provided to each regional education association that exists as of July 1,  
8 2021. Regional education associations that merge during the 2021-23 biennium are entitled to  
9 the annual grants that would have been paid to each of the member associations.

10       **SECTION 10. EXEMPTION - INDIRECT COST ALLOCATION.** Notwithstanding section  
11 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its  
12 operating account.

13       **SECTION 11. EXEMPTION - GENERAL EDUCATIONAL DEVELOPMENT FEES AND**  
14 **DISPLACED HOMEMAKER DEPOSITS.** Notwithstanding section 54-44.1-15, any moneys  
15 collected by the department of public instruction for general educational development fees and  
16 displaced homemakers deposits, must be deposited in the public instruction fund in the state  
17 treasury and may be spent subject to appropriation by the legislative assembly.

18       **SECTION 12. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**  
19 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies  
20 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
21 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
22 Session Laws, the lesser of \$23,733,064 or the remaining amount must be continued into the  
23 2021-23 biennium and the office of management and budget shall transfer this amount into the  
24 public instruction fund for the purpose of providing program and passthrough grants as  
25 appropriated in subdivision 1 of section 1 of this Act.

26       **SECTION 13. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.**  
27 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies  
28 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
29 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
30 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of  
31 defraying the expenses of the dyslexia screening pilot program.

1       **SECTION 14. STATE AID TO PUBLIC LIBRARIES.** The grants line item in subdivision 2 of  
2 section 1 of this Act includes ~~\$1,737,528~~\$1,737,582 for aid to public libraries, of which no more  
3 than one-half may be expended during the fiscal year ending June 30, 2022.

4       **SECTION 15. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**  
5 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The ~~grants line item in subdivision 3 of~~  
6 ~~section 1 of this Act is~~\$40,000 appropriated for the purpose of providing grants to assist  
7 institutions under the control of the state board of higher education with the cost of interpreters  
8 and real-time captioning for students who are deaf or hard of hearing, ~~for the biennium~~  
9 ~~beginning July 1, 2021, and ending June 30, 2023. Moneys appropriated for this program are~~  
10 ~~not subject to section 54-44.1-11 in subdivision 3 of section 1 of chapter 38 of the 2019 Session~~  
11 Laws and any funding continued for this purpose from prior bienniums is not subject to section  
12 54-44.1-11. FundsAny funds remaining must be distributed pursuant to the provisions of this  
13 section:

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

29       **SECTION 16. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **15.1-02-02. Salary.**

2       The annual salary of the superintendent of public instruction is one hundred  
3 ~~twenty-two~~twenty-seven thousand ~~eight~~seven hundred ~~ten~~sixty-eight dollars through June 30,  
4 ~~2020~~2022, and one hundred ~~twenty-five~~twenty-nine thousand ~~eight~~six hundred ~~eighty~~eighty-five  
5 dollars thereafter.

6       **SECTION 17. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers**  
9 **and administrators.**

10       The superintendent of public instruction may adopt rules governing the issuance of:

- 11       1. Credentials for teachers of driver's education;
- 12       2. Credentials for teachers of early childhood special education;
- 13       3. Credentials for elementary school principals;
- 14       4. Credentials for teachers of students who are emotionally disturbed;
- 15       5. Credentials for teachers of students who are gifted and talented;
- 16       6. Credentials for secondary school principals;
- 17       7. Credentials for library media;
- 18       8. Credentials for teachers of title I;
- 19       9. Credentials for teachers of students who have intellectual disabilities;
- 20       10. Credentials for teachers of students who are physically disabled;
- 21       11. Credentials for coordinators of programs for students with limited English proficiency;
- 22       12. Credentials for school counselors;
- 23       13. Credentials for special education directors;
- 24       14. Credentials for special education strategists;
- 25       15. Credentials for teachers of students who have specific learning disabilities;
- 26       16. Credentials for superintendents;
- 27       17. Credentials for teachers of students who have vision impairments;
- 28       18. Credentials for teachers of students who are deaf or hard of hearing;
- 29       19. Credentials for teachers of computer and cyber science; ~~and~~
- 30       20. Certificate of completion for paraprofessionals; and
- 31       21. Certificate of completion for school health technicians.

1       **SECTION 18. AMENDMENT.** Section 15.1-06-19 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-06-19. Counselor positions - Requirement.**

4       1. Beginning with the 2010-11 school year, each school district must have available one  
5 full-time equivalent school counselor for every three hundred students in grades seven  
6 through twelve.

7       2. Beginning with the 2022-23 school year, each school district must have available one  
8 full-time equivalent school counselor for every three hundred students in grades  
9 kindergarten through six.

10       3. The duties of a school counselor under this section must include the academic  
11 advisement and appraisal of students, career preparation and advisement of students,  
12 assisting in the orientation of new students, interpreting aptitude and achievement  
13 tests, providing short-term individual and group counseling sessions to students,  
14 presentation of age-appropriate school counseling lessons to students, interpreting  
15 student records, collaborating with teachers on building classroom connections,  
16 collaborating with school administration to identify student issues and needs,  
17 advocating for students, and analyzing disaggregated schoolwide data. The duties  
18 may not include assessment administration, clerical responsibilities, or other  
19 administrative duties.

20       ~~2.4.~~ Up to one-third of the full-time equivalency requirement established in subsection 1  
21 may be met by career advisors.

22       ~~3.5.~~ For purposes of this section, a "career advisor" means an individual who holds a  
23 certificate in career development facilitation issued by the department of career and  
24 technical education under section 15-20.1-24 or an individual who is provisionally  
25 approved by the department of career and technical education under section  
26 15-20.1-25 to serve as a career advisor.

27       **SECTION 19. AMENDMENT.** Section 15.1-27-16 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1 | **15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating**  
2 | **districts.**

- 3 | 1. If any school district receiving payments under this chapter cooperates with another  
4 | school district for the joint provision of educational services under a plan approved by  
5 | the superintendent of public instruction, the superintendent of public instruction shall,  
6 | notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate  
7 | weighting factor that allows the cooperating districts to receive, for a period of four  
8 | years, a payment rate equivalent to that which each district would have received had  
9 | the cooperative plan not taken effect. The superintendent of public instruction shall  
10 | compute the separate weighting factor to four decimal places and that weighting factor  
11 | is effective for the duration of the cooperative plan.
- 12 | 2. A school district that is cooperating with another school district under a cooperative  
13 | plan approved by the superintendent of public instruction, and which has taxable  
14 | property located in the same city as the other school district under the cooperative  
15 | plan, may not be required as part of the cooperative plan to:  
16 | a. Provide unduplicated grade level services; or  
17 | b. Share administrative personnel.

18 | 3. If any school district receiving payments under this chapter cooperates with another  
19 | school district to jointly employ both a superintendent and a business manager, the  
20 | superintendent of public instruction shall provide partial reimbursement of the  
21 | combined salaries of the superintendent and the business manager as follows:

- 22 | a. If the combined salaries exceed three hundred thousand dollars, the amount of  
23 | the reimbursement must be calculated based upon three hundred thousand  
24 | dollars. Each cooperating school district shall receive a prorated share of the  
25 | reimbursement percentages listed below based on the percentage of full-time  
26 | equivalency that the superintendent and business manager are employed by  
27 | each district. The percentage of reimbursement for the combined salaries of the  
28 | jointly hired superintendent and business manager must be as follows:
- 29 | (1) If two schools are cooperating, ten percent of the combined salaries;  
30 | (2) If three schools are cooperating, fifteen percent of the combined salaries;

1 (3) If four schools are cooperating, twenty percent of the combined salaries;

2 and

3 (4) If five or more schools are cooperating, twenty-five percent of the combined  
4 salaries.

5 b. To be eligible for reimbursement under this subsection, the cooperating school  
6 districts must:

7 (1) Have been approved by the superintendent of public instruction and have  
8 implemented their administrative cost-sharing program after June 30, 2022;  
9 and

10 (2) Submit the salaries of the superintendent and business manager to the  
11 superintendent of public instruction by June first of each year.

12 **SECTION 20. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CONSTRUCTION**

13 **FUNDING.** During the 2021-22 interim, the legislative management shall consider studying the  
14 feasibility and desirability of using up to 1 percent of common schools trust fund assets annually  
15 for school construction grants. The legislative management shall report its findings and  
16 recommendations, together with any legislation necessary to implement the recommendations,  
17 to the sixty-eighth legislative assembly.

18 **SECTION 21. LEARNING LOSS, ACCELERATED LEARNING RECOVERY, AND**  
19 **ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND - REPORT TO**

20 **LEGISLATIVE MANAGEMENT.** School districts receiving funds from the elementary and  
21 secondary school emergency relief fund shall provide two narrative summary reports to the  
22 superintendent of public instruction, including information regarding learning losses of students  
23 identified within the district, including subgroup gaps; school district plans to accelerate learning  
24 recovery for all students, including closing subgroup gaps; uses of elementary and secondary  
25 school emergency relief funds, including the percentage of those funds expended in categories  
26 determined by the superintendent of public instruction; and the impact elementary and  
27 secondary school emergency relief fund expenditures had on accelerating the learning recovery  
28 for the districts' students. The first school district report must be submitted to the superintendent  
29 of public instruction by December 1, 2021. An aggregated report must be presented by the  
30 superintendent of public instruction to the legislative management by June 1, 2022. The second  
31 school district report must be submitted to the superintendent of public instruction by



1 December 1, 2022. An aggregated report must be presented by the superintendent of public  
2 instruction to the sixty-eighth legislative assembly.

3 **SECTION 22. EXPIRATION DATE.** Section 19 of this Act is effective through June 30,  
4 2024, and after that date is ineffective.