

Sixty-seventh
Legislative Assembly
of North Dakota

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

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

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

16 Subdivision 1.

17 DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
18				
19				
20	Salaries and wages	\$18,027,035	(\$188,572)	\$17,838,463
21	Operating expenses	33,770,947	(672,798)	33,098,149
22	Integrated formula payments	2,098,202,429	168,071	2,098,370,500
23	Grants - special education	24,000,000	3,000,000	27,000,000
24	Grants - transportation	56,500,000	0	56,500,000

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1	Grants - other grants	287,062,705	25,676,188	312,738,893
2	Grants - program grants	7,680,000	(7,680,000)	0
3	Grants - passthrough grants	2,863,764	(2,863,764)	0
4	Grants - program and passthrough	0	23,733,064	23,733,064
5	PowerSchool	5,500,000	(250,000)	5,250,000
6	National board certification	<u>108,000</u>	<u>68,290</u>	<u>176,290</u>
7	Total all funds	\$2,533,714,880	\$40,990,479	\$2,574,705,359
8	Less estimated income	<u>812,553,743</u>	<u>105,661,414</u>	<u>918,215,157</u>
9	Total general fund	\$1,721,161,137	(\$64,670,935)	\$1,656,490,202
10	Full-time equivalent positions	89.25	(3.00)	86.25

11 Subdivision 2.

12 STATE LIBRARY

13			Adjustments or	
14		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066
16	Operating expenses	1,621,917	200,786	1,822,703
17	Grants	<u>2,233,528</u>	<u>0</u>	<u>2,233,528</u>
18	Total all funds	\$8,155,780	\$48,517	\$8,204,297
19	Less estimated income	<u>2,374,361</u>	<u>(10,438)</u>	<u>2,363,923</u>
20	Total general fund	\$5,781,419	\$58,955	\$5,840,374
21	Full-time equivalent positions	27.75	(1.00)	26.75

22 Subdivision 3.

23 SCHOOL FOR THE DEAF

24			Adjustments or	
25		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
26	Salaries and wages	\$8,054,944	\$282,522	\$8,337,466
27	Operating expenses	1,705,586	0	1,705,586
28	Capital assets	158,678	697,500	856,178
29	Grants	<u>40,000</u>	<u>(40,000)</u>	<u>0</u>
30	Total all funds	\$9,959,208	\$940,022	\$10,899,230
31	Less estimated income	<u>2,430,358</u>	<u>1,058,622</u>	<u>3,488,980</u>

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1	Total general fund	\$7,528,850	(\$118,600)	\$7,410,250
2	Full-time equivalent positions	44.61	0.00	44.61
3	Subdivision 4.			
4	NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND			
5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Salaries and wages	\$4,935,291	\$60,053	\$4,995,344
8	Operating expenses	795,821	29,850	825,671
9	Capital assets	<u>39,192</u>	<u>284,000</u>	<u>323,192</u>
10	Total all funds	\$5,770,304	\$373,903	\$6,144,207
11	Less estimated income	<u>1,052,315</u>	<u>473,796</u>	<u>1,526,111</u>
12	Total general fund	\$4,717,989	(\$99,893)	\$4,618,096
13	Full-time equivalent positions	27.90	(0.15)	27.75

14	Subdivision 5.			
15	TOTAL - SECTION 1			
16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Grand total general fund	\$1,739,189,395	(\$64,830,473)	\$1,674,358,922
19	Grand total special funds	<u>818,410,777</u>	<u>107,183,394</u>	<u>925,594,171</u>
20	Grand total all funds	\$2,557,600,172	\$42,352,921	\$2,599,953,093

21 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**
 22 **EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items
 23 approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-
 24 time funding items included in the appropriation in section 1 of this Act:

25	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
26	Department of public instruction		
27	Science experiments grant	\$0	\$13,500,000
28	Rapid enrollment grants	3,000,000	0
29	State automated reporting system rewrite	1,200,000	0
30	Music education grants	800,000	0
31	State school aid formula rewrite	<u>200,000</u>	<u>0</u>

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1	Total department of public instruction -	\$5,200,000	\$13,500,000
2	all funds		
3	Total department of public instruction -	<u>5,000,000</u>	<u>13,500,000</u>
4	estimated income		
5	Total department of public instruction -	\$200,000	\$0
6	general fund		
7	School for the deaf		
8	Extraordinary repairs	\$250,000	\$0
9	Campus server upgrade	0	7,500
10	Equipment	20,000	40,000
11	Boiler and resource center projects	<u>0</u>	<u>650,000</u>
12	Total school for the deaf - estimated income	\$270,000	\$697,500
13	North Dakota vision services - school for the blind		
14	South wing restroom remodel	\$120,000	\$0
15	Gymnasium floor replacement	42,000	0
16	West wing roof repair	39,000	0
17	Daily living skills area remodel	25,000	0
18	Adaptive technology equipment	20,000	0
19	Other repairs	18,500	0
20	Garage door replacement	16,000	0
21	Replace flooring	0	10,000
22	Replace south wing air conditioning	0	40,000
23	Repair sidewalk, roof, and parking lot	0	24,000
24	Replace doors and key system	0	45,000
25	Install LED lighting	0	33,000
26	South wing electrical service	<u>0</u>	<u>165,000</u>
27	Total school for the blind - estimated income	\$280,500	\$317,000
28	Grand total - all funds	\$5,750,500	\$14,514,500
29	Grand total - estimated income	<u>5,550,500</u>	<u>14,514,500</u>
30	Grand total - general fund	\$200,000	\$0

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

6 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$433,020,000,
7 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is
8 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund
9 that becomes available for distribution to public schools is appropriated to the department of
10 public instruction for that purpose for the biennium beginning July 1, 2021, and ending June 30,
11 2023.

12 **SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The
13 estimated income line item in subdivision 1 of section 1 of this Act includes the sum of
14 \$110,000,000 from the foundation aid stabilization fund for integrated formula payments.

15 **SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**
16 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may
17 expend funds included in the integrated formula payments and grants - special education
18 contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational
19 services that were due in the 2019-21 biennium but which were not filed, claimed, or properly
20 supported by the education provider until after June 30, 2021. To be reimbursed under this
21 section, claims must be properly supported and filed with the superintendent of public
22 instruction by June 30, 2022.

23 **SECTION 6. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING -**
24 **DISTRIBUTION.**

25 1. The sum of \$800,000, included in the integrated formula payments line item in
26 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts
27 or special education units for gifted and talented programs upon the submission of an
28 application that is approved in accordance with guidelines adopted by the
29 superintendent of public instruction. The superintendent of public instruction shall
30 encourage cooperative efforts for gifted and talented programs among school districts
31 and special education units.

- 1 2. State school aid payments for special education must be reduced by the amount of
2 matching funds required to be paid by school districts or special education units for
3 students participating in the Medicaid program. Special education funds equal to the
4 amount of the matching funds required to be paid by the school district or special
5 education unit must be paid by the superintendent of public instruction to the
6 department of human services on behalf of the school district or unit.

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

- 8 1. During each year of the 2021-23 biennium, the superintendent of public instruction
9 shall calculate the payment to which each school district is entitled based on the state
10 transportation formula as it existed on June 30, 2001, except that the superintendent
11 shall provide reimbursement at the rate of:
- 12 a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or
13 more passengers;
- 14 b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer
15 passengers;
- 16 c. Fifty cents per mile, provided:
- 17 (1) The student being transported is a student with a disability, as defined in
18 chapter 15.1-32;
- 19 (2) The student's individualized education program plan requires that the
20 student attend a public or a nonpublic school located outside the student's
21 school district of residence;
- 22 (3) The student is transported by an adult member of the student's family;
- 23 (4) The student is transported in a vehicle furnished by the student's parents;
- 24 (5) The student's transportation is paid for by the student's parents; and
- 25 (6) The reimbursement does not exceed two round trips daily between the
26 student's home and school.
- 27 d. Fifty cents per mile, one way, provided:
- 28 (1) The student being transported resides more than two miles from the public
29 school that the student attends;
- 30 (2) The student is transported by an adult member of the student's family;

1 displaced homemakers deposits, must be deposited in the public instruction fund in the state
2 treasury and may be spent subject to appropriation by the legislative assembly.

3 **SECTION 12. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

4 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
5 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in
6 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019
7 Session Laws, the lesser of \$23,733,064 or the remaining amount must be continued into the
8 2021-23 biennium and the office of management and budget shall transfer this amount into the
9 public instruction fund for the purpose of providing program and passthrough grants as
10 appropriated in subdivision 1 of section 1 of this Act.

11 **SECTION 13. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.**

12 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
13 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in
14 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019
15 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of
16 defraying the expenses of the dyslexia screening pilot program.

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

20 **SECTION 15. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**

21 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The \$40,000 appropriated for the
22 purpose of providing grants to assist institutions under the control of the state board of higher
23 education with the cost of interpreters and real-time captioning for students who are deaf or
24 hard of hearing in subdivision 3 of section 1 of chapter 38 of the 2019 Session Laws and any
25 funding continued for this purpose from prior bienniums is not subject to section 54-44.1-11. Any
26 funds remaining must be distributed pursuant to the provisions of this section:

- 27 1. The school for the deaf shall develop a formula to determine the grant amount for
28 which an institution is eligible. The formula must be based on a uniform hourly
29 reimbursement.
- 30 2. To obtain a grant under this section, an institution shall submit to the school for the
31 deaf, at the time and in the manner directed by the school, invoices showing the

1 amount expended for interpreters and real-time captioning for students who are deaf
2 or hard of hearing.

3 3. The school for the deaf may not distribute more than fifty percent of the amount
4 appropriated during the first year of the biennium.

5 4. If any grant moneys remain undistributed at the end of the biennium, the school for the
6 deaf shall provide additional prorated grants to institutions that incurred, during the
7 biennium, hourly expenses in excess of the formula reimbursement level.

8 5. At the request of an institution under the control of the state board of higher education,
9 the school for the deaf shall consult with the institution and provide advice regarding
10 the provision of services most appropriate to meet a student's needs.

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

13 **15.1-02-02. Salary.**

14 The annual salary of the superintendent of public instruction is one hundred
15 ~~twenty-two~~twenty-seven thousand ~~eight~~seven hundred ~~ten~~sixty-eight dollars through June 30,
16 ~~2020~~2022, and one hundred ~~twenty-five~~twenty-nine thousand ~~eight~~six hundred ~~eighty~~eighty-five
17 dollars thereafter.

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

20 **15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers**
21 **and administrators.**

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

- 23 1. Credentials for teachers of driver's education;
- 24 2. Credentials for teachers of early childhood special education;
- 25 3. Credentials for elementary school principals;
- 26 4. Credentials for teachers of students who are emotionally disturbed;
- 27 5. Credentials for teachers of students who are gifted and talented;
- 28 6. Credentials for secondary school principals;
- 29 7. Credentials for library media;
- 30 8. Credentials for teachers of title I;
- 31 9. Credentials for teachers of students who have intellectual disabilities;

- 1 10. Credentials for teachers of students who are physically disabled;
- 2 11. Credentials for coordinators of programs for students with limited English proficiency;
- 3 12. Credentials for school counselors;
- 4 13. Credentials for special education directors;
- 5 14. Credentials for special education strategists;
- 6 15. Credentials for teachers of students who have specific learning disabilities;
- 7 16. Credentials for superintendents;
- 8 17. Credentials for teachers of students who have vision impairments;
- 9 18. Credentials for teachers of students who are deaf or hard of hearing;
- 10 19. Credentials for teachers of computer and cyber science; and
- 11 20. Certificate of completion for paraprofessionals; and
- 12 21. Certificate of completion for school health technicians.

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

15 **15.1-06-19. Counselor positions - Requirement.**

- 16 1. Beginning with the 2010-11 school year, each school district must have available one
17 full-time equivalent school counselor for every three hundred students in grades seven
18 through twelve.
- 19 2. Beginning with the 2022-23 school year, each school district must have available one
20 full-time equivalent school counselor for every three hundred students in grades
21 kindergarten through six.
- 22 3. The duties of a school counselor under this section must include the academic
23 advisement and appraisal of students, career preparation and advisement of students,
24 assisting in the orientation of new students, interpreting aptitude and achievement
25 tests, providing short-term individual and group counseling sessions to students,
26 presentation of age-appropriate school counseling lessons to students, interpreting
27 student records, collaborating with teachers on building classroom connections,
28 collaborating with school administration to identify student issues and needs,
29 advocating for students, and analyzing disaggregated schoolwide data. The duties
30 may not include assessment administration, clerical responsibilities, or other
31 administrative duties.

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

3 ~~3.5.~~ For purposes of this section, a "career advisor" means an individual who holds a
4 certificate in career development facilitation issued by the department of career and
5 technical education under section 15-20.1-24 or an individual who is provisionally
6 approved by the department of career and technical education under section
7 15-20.1-25 to serve as a career advisor.

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

10 **15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating**
11 **districts.**

12 1. If any school district receiving payments under this chapter cooperates with another
13 school district for the joint provision of educational services under a plan approved by
14 the superintendent of public instruction, the superintendent of public instruction shall,
15 notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate
16 weighting factor that allows the cooperating districts to receive, for a period of four
17 years, a payment rate equivalent to that which each district would have received had
18 the cooperative plan not taken effect. The superintendent of public instruction shall
19 compute the separate weighting factor to four decimal places and that weighting factor
20 is effective for the duration of the cooperative plan.

21 2. A school district that is cooperating with another school district under a cooperative
22 plan approved by the superintendent of public instruction, and which has taxable
23 property located in the same city as the other school district under the cooperative
24 plan, may not be required as part of the cooperative plan to:

- 25 a. Provide unduplicated grade level services; or
26 b. Share administrative personnel.

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

- 1 a. If the combined salaries exceed three hundred thousand dollars, the amount of
2 the reimbursement must be calculated based upon three hundred thousand
3 dollars. Each cooperating school district shall receive a prorated share of the
4 reimbursement percentages listed below based on the percentage of full-time
5 equivalency that the superintendent and business manager are employed by
6 each district. The percentage of reimbursement for the combined salaries of the
7 jointly hired superintendent and business manager must be as follows:
- 8 (1) If two schools are cooperating, ten percent of the combined salaries;
9 (2) If three schools are cooperating, fifteen percent of the combined salaries;
10 (3) If four schools are cooperating, twenty percent of the combined salaries;
11 and
12 (4) If five or more schools are cooperating, twenty-five percent of the combined
13 salaries.
- 14 b. To be eligible for reimbursement under this subsection, the cooperating school
15 districts must:
- 16 (1) Have been approved by the superintendent of public instruction and have
17 implemented their administrative cost-sharing program after June 30, 2022;
18 and
19 (2) Submit the salaries of the superintendent and business manager to the
20 superintendent of public instruction by June first of each year.

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

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

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

29 **LEGISLATIVE MANAGEMENT.** School districts receiving funds from the elementary and
30 secondary school emergency relief fund shall provide two narrative summary reports to the
31 superintendent of public instruction, including information regarding learning losses of students

1 identified within the district, including subgroup gaps; school district plans to accelerate learning
2 recovery for all students, including closing subgroup gaps; uses of elementary and secondary
3 school emergency relief funds, including the percentage of those funds expended in categories
4 determined by the superintendent of public instruction; and the impact elementary and
5 secondary school emergency relief fund expenditures had on accelerating the learning recovery
6 for the districts' students. The first school district report must be submitted to the superintendent
7 of public instruction by December 1, 2021. An aggregated report must be presented by the
8 superintendent of public instruction to the legislative management by June 1, 2022. The second
9 school district report must be submitted to the superintendent of public instruction by
10 December 1, 2022. An aggregated report must be presented by the superintendent of public
11 instruction to the sixty-eighth legislative assembly.

12 **SECTION 22. EXPIRATION DATE.** Section 19 of this Act is effective through June 30,
13 2024, and after that date is ineffective.