

## **Senator Don Schaible 3-30-21 Senate Appropriations HB 1388 – (3006 version) Section by Section**

### **Section 1 (pgs. 1-4)–**

This section of the bill is in reference to the K12 coordination council. This amendment removes some of the gubernatorial appointments to the council and adjusts them to being representatives of their representative organizations. This is to include the REA's as well as the Special Education Directors. It furthermore removes a duplicative appointment of a school administrator as an individual from the role of the superintendent will be serving as a representative of the ND Small Organized Schools as well as the traditional president of the CTE board.

This section on page 3, lines 29-30 also clarify one of the duties of the council with regard to how they will coordinate and communicate.

### **Section 2 (pg. 4)–**

This section of the bill begins to outline how the state and the state superintendent will be able to direct a student payment to a student who may be instructed virtually. There is no prohibition of students participating in the virtual environment. What does not currently exist is a mechanism for the NDDPI to calculate for a payment. That was the reason for the Governor making an executive order. This and the subsequent amendments for this purpose alleviate this issue.

Page 4 line 11 outlines the amount of time a “physical school plant” must be providing instruction to be considered a qualified day of instruction.

### **Section 3 (pg. 4) –**

This section is also in relation to the virtual student - it provides a new definition on how a district and NDDPI will be determining attendance for a virtual student. This will be done with academic pacing guides developed by a local school district in compliance with administrative rules adopted by the superintendent of public instruction.

### **Section 4 (pgs. 4-5)**

This section brings in a clear differentiation of a “physical school plant” vs simply using school to provide clarity on when it is a “physical school plant” or a “virtual school”. This section handles school calendar and clarifies that regardless of the modality of instruction the schools will follow the same calendar.

### **Section 5 (pg. 5)**

Similarly, to section 4, this is also in the school approval section with regard to a “physical school plant” abiding by all health, safety and sanitation requirements.

### **Section 6 (pg. 5)**

This section introduces a new section of chapter 15.1-07 of century code giving school boards or governing boards of a non-public school with a physical school plant in ND to adopt a policy to allow students to engage in virtual instruction. This allows those public-school students to qualify for Average Daily Membership (ADM) in the school funding formula.

This section also requires a legislative report of student academic performance metrics of participating virtual students to legislative management.

#### **Section 7 (pg. 5)**

This codifies current REA practice into law whereby regional education associations can offer services to schools outside of its REA boundary.

#### **Section 8 – (pgs. 5-6)**

This section outlines new teacher license requirements. This adjustment may require an adjustment in higher education to respond to such requirements. This ensures adequate instruction in research-based best practices in reading instruction. This also requires that elementary education teacher licenses include at least 9 semester hours focused on particular components of reading instruction, and that secondary teachers have at least 3 semester hours.

#### **Section 9 – (pgs. 6-7)**

This section clarifies compulsory attendance of students at our schools. The former language seemed to indicate that those students had to be in physical attendance at a school – this adjustment recognizes that the child attends the school (even if that attendance might be virtual as with the center for distance education or in a virtual course offered by that district).

#### **Section 10 – (pgs. 7-8)**

This section adds requirements on current and future teachers and principals for K-3 to be trained on a particular criterion ensuring a process and progression of instruction to move the needle on reading performance with our students in grades K-3. This PD needs to be completed or mastery in those competencies certified by the end of the 2022-23 school year.

#### **Section 11 (pgs. 8-14)**

This section is a result of the work on weighting factors completed during the interim. This section sets the baseline for the weighted student unit. The adjustments to the weighted student unit are impacting districts with an ADM of 245 and lower. The cost is neutral as the reductions in funds to the transition minimum districts cover this cost. The weighting factors are adjusted slowly over a 6 year period by an increase of fourteen and twenty-nine hundredths percent each year. **Cost of \$7.6 million**

This section also removes the 92% portion of the factor bringing K6/K8 districts on the formula (leaving the .60 calculation) leaving their entrance onto the formula as a “no-harm” move onto the formula. (Lines 29-30 on page 13)

#### **Section 12 (pgs. 14-28)**

This section addresses the transition maximum districts and their 6 year walk onto the formula. The transition maximum districts are generally our airbase schools and our Native American schools. (Areas with low property tax valuation). There is a larger movement onto the formula in the first two years of the integration which will bring most of the transition maximum districts onto the formula in just a couple years. (through page 21). 5% increase in transition maximum which was already in statue is a cost of \$5.7 million. The 15% increase to get transition maximum school on the formula in 6 years \$3.4 million

Pages 21-28 then establish the new baseline funding for those districts after June 30, 2025. (after all transitions have taken place)

### **Section 13**

This section clarifies the Average Daily Management calculation. It outlines that at both a “physical school plant” following the hours requirement as well as the virtual student who would follow the pacing guide definition for attendance both qualify for no more than a 1.00 average daily membership. That membership can also be prorated for a student enrolled less than full time.

### **Section 14**

This section is the open-enrollment section of code and the adjustment is specific to the virtual student. These students are NOT permitted top open enroll outside of their resident district UNLESS the reside district and receiving district can arrive at a cost-sharing agreement for that student.

### **Section 15 –**

This is the section of the bill relative to the ongoing study of school funding during the interim with a focus on:

- Review of districts that have two k12 buildings within their district, or may have used untraditional bonding methods to build a school building
- An analysis of high cost students
- Human resource allocations within our schools,
- Data relevant to students participating in virtual learning.

**Section 16** includes the appropriation for the K12 Coordination Council \$260,000 to run the K-12 Coordination Council for the next biennium.

**Section 17 –** includes the appropriation for the 1% / 1% per pupil increase.

Which increases the per pupil payment from \$10,036 to \$10,136 for the 21-22 school year and \$10,236 for the 22-23 school year with a total cost of \$34.56 million. This amount would come out of the Foundation Aid Stabilization Fund.

**Section 18 –** includes a delayed implementation date of section 8 (higher education implementation of reading instruction) to July 1, 2022 to take into consideration students

moving into their senior year. They will be covered with PD offered by school districts if hired as a K-3 teacher.