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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02, subsection 6 of section 15.1-19-10, ~~section 15.1-21-12.1,~~ section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments~~, and professional development for reading~~; to provide for a legislative management study; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15.1-01-01. State board of public school education - Composition.

1. The state board of public school education consists of the superintendent of public instruction and:
   a. An individual representing ~~Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, and Traill Counties~~legislative districts ten, eleven, thirteen, sixteen, twenty-one, forty-one, forty-four, and forty-six;
   b. An individual representing ~~Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties~~legislative districts nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;
   c. An individual representing ~~Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent Counties~~legislative districts twelve, twenty-two, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;

device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

~~**SECTION 4. AMENDMENT.** Section 15.1-21-12.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**15.1-21-12.1. Reading curriculum - Content - Professional development - Reports to legislative management.**~~

~~1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:~~

~~a. Is scientifically based, evidence based, and research based;~~

~~b. Focuses on:~~

~~(1) Phonemic awareness;~~

~~(2) Phonics;~~

~~(3) Fluency;~~

~~(4) Vocabulary; and~~

~~(5) Comprehension; and~~

~~c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.~~

~~2. Before the 2022-23 school year, a school district or nonpublic school shall evaluate each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, to determine whether the teacher or principal requires professional development in a topic under subdivision b of subsection 1. The teacher or principal shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1for each topic for which the teacher or principal requires professional development.~~

~~3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.~~

~~4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:~~

~~a. Ensures the placement of highly effective teachers in kindergarten through grade three;~~

~~b. Has integrated reading instruments used to diagnose reading development and comprehension; and~~

~~c. Has integrated evidence-based resources to support reading development and comprehension.~~

~~5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.~~

~~6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.~~

~~7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students.~~

SECTION 4. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:
   a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
   b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
   c. 0.40 the number of full-time equivalent students who:
      (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
      (2) Are enrolled in a program of instruction for English language learners;
   d. 0.28 the number of full-time equivalent students who:

5. If the superintendent of public instruction approves the loan, the Bank of North Dakota shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:

   a. ~~The~~If the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is ten million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of eight million dollars;

   b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is fifty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of forty million dollars;

   c. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and

   ~~c.~~d. The interest rate of the loan may not exceed two percent per year.

SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more appropriately. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,

and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of $1,000,0000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and implementing systematic direct literacy instruction as appropriated in section 10 of this Act.

SECTION 12. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND. The office of management and budget shall transfer the sum of $75,000,000 from the foundation aid stabilization fund to the school construction assistance revolving loan fund during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 13. EFFECTIVE DATE. Section ~~6~~5 of this Act becomes effective on July 1, 2024.

Prepared by the Legislative Council staff for
Senator Schaible
February 1, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 22, after line 18, insert:

"**SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING.** During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more appropriately. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

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implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

Renumber accordingly