

February 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1369

Introduced by

Representatives Heinert, Richter

Senators Lemm, Schaible

1 A BILL for an Act to amend and reenact sections ~~15.1-27-03.1~~, 15.1-27-04.1, 15.1-27-35.
2 48-01.2-02.1, and 57-15-14.2 of the North Dakota Century Code, relating to ~~weighted average~~
3 ~~daily membership~~, the determination of state aid, the calculation of average daily membership.
4 public improvement construction, and school district levies; to provide for a transfer; and to
5 provide an effective date.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~SECTION 1. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~15.1-27-03.1. Weighted average daily membership--Determination.~~

10 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~

11 ~~a. 1.00 the number of full-time equivalent students enrolled in an extended~~
12 ~~educational program in accordance with section 15.1-32-17;~~

13 ~~b. 0.60 the number of full-time equivalent students enrolled in a summer education~~
14 ~~program, including a migrant summer education program;~~

15 ~~c. 0.40 the number of full-time equivalent students who:~~

16 ~~(1) On a test of English language proficiency approved by the superintendent of~~
17 ~~public instruction are determined to be least proficient and placed in the first~~
18 ~~of six categories of proficiency; and~~

19 ~~(2) Are enrolled in a program of instruction for English language learners;~~

20 ~~d. 0.28 the number of full-time equivalent students who:~~

- 1 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
2 ~~public instruction are determined to be more proficient than students placed~~
3 ~~in the first of six categories of proficiency and therefore placed in the second~~
4 ~~of six categories of proficiency; and~~
- 5 ~~————— (2) Are enrolled in a program of instruction for English language learners;~~
- 6 ~~————— e. 0.25 the number of full-time equivalent students under the age of twenty-one~~
7 ~~enrolled in grades nine through twelve in an alternative high school;~~
- 8 ~~————— f. 0.20 the number of full-time equivalent students enrolled in a home-based~~
9 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 10 ~~————— g. 0.17 the number of full-time equivalent students enrolled in an early childhood~~
11 ~~special education program;~~
- 12 ~~————— h. 0.15 the number of full-time equivalent students in grades six through eight~~
13 ~~enrolled in an alternative education program for at least an average of fifteen~~
14 ~~hours per week;~~
- 15 ~~————— i. 0.10 the number of students enrolled in average daily membership, if the district~~
16 ~~has fewer than one hundred students enrolled in average daily membership and~~
17 ~~the district consists of an area greater than two hundred seventy-five square~~
18 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
19 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
20 ~~fifty students in average daily membership must be deemed to have an~~
21 ~~enrollment equal to fifty students in average daily membership;~~
- 22 ~~————— j. 0.0880_095 the number of students enrolled in average daily membership, in~~
23 ~~order to support the provision of special education services;~~
- 24 ~~————— k. 0.07 the number of full-time equivalent students who:~~
- 25 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
26 ~~public instruction are determined to be more proficient than students placed~~
27 ~~in the second of six categories of proficiency and therefore placed in the~~
28 ~~third of six categories of proficiency;~~
- 29 ~~————— (2) Are enrolled in a program of instruction for English language learners; and~~
- 30 ~~————— (3) Have not been in the third of six categories of proficiency for more than~~
31 ~~three years;~~

- 1 ~~l. 0.025 the number of students representing that percentage of the total number of~~
2 ~~students in average daily membership which is equivalent to the three-year~~
3 ~~average percentage of students in grades three through eight who are eligible for~~
4 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
5 ~~[42 U.S.C. 1751 et seq.];~~
- 6 ~~m. 0.002 the number of students enrolled in average daily membership in a school~~
7 ~~district that is a participating member of a regional education association meeting~~
8 ~~the requirements of chapter 15.1-09.1;~~
- 9 ~~n. 1.0 the number of students by which the district's September tenth enrollment~~
10 ~~report exceeds the number of students in the prior year's average daily~~
11 ~~membership; and~~
- 12 ~~o. For districts paid based on September tenth enrollment in the prior year, 1.00 the~~
13 ~~number of students determined by deducting the number of students in the prior~~
14 ~~year's September tenth enrollment from the prior year's average daily~~
15 ~~membership. If the prior year's September tenth enrollment exceeds the prior~~
16 ~~year's average daily membership, then a deduction of 1.00 the number of excess~~
17 ~~students.~~
- 18 ~~2. The superintendent of public instruction shall determine each school district's weighted~~
19 ~~average daily membership by adding the products derived under subsection 1 to the~~
20 ~~district's average daily membership.~~

21 **SECTION 1. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
24 **through June 30, 2025) (Retroactive application -- [See note](#))**

- 25 1. To determine the amount of state aid payable to each district, the superintendent of
26 public instruction shall establish each district's baseline funding. A district's baseline
27 funding consists of:
- 28 a. All state aid received by the district in accordance with chapter 15.1-27 during the
29 2018-19 school year;
- 30 b. An amount equal to the property tax deducted by the superintendent of public
31 instruction to determine the 2018-19 state aid payment;

- 1 e. An amount equal to seventy-five percent of the revenue received by the school-
- 2 district during the 2017-18 school year for the following revenue types:
- 3 (1) Revenue reported under code 2000 of the North Dakota school district
- 4 financial accounting and reporting manual, as developed by the
- 5 superintendent of public instruction in accordance with section 15.1-02-08;
- 6 (2) Mineral revenue received by the school district through direct allocation from
- 7 the state treasurer and not reported under code 2000 of the North Dakota
- 8 school district financial accounting and reporting manual, as developed by
- 9 the superintendent of public instruction in accordance with section
- 10 15.1-02-08;
- 11 (3) Tuition reported under code 1300 of the North Dakota school district
- 12 financial accounting and reporting manual, as developed by the
- 13 superintendent of public instruction in accordance with section 15.1-02-08,
- 14 with the exception of revenue received specifically for the operation of an
- 15 educational program provided at a residential treatment facility, tuition
- 16 received for the provision of an adult farm management program, and
- 17 beginning in the 2021-22 school year, seventeen percent of tuition received
- 18 under an agreement to educate students from a school district on an
- 19 air force base with funding received through federal impact aid, and an
- 20 additional seventeen percent of tuition received under an agreement to
- 21 educate students from a school district on an air force base with funding
- 22 received through federal impact aid each school year thereafter, until the
- 23 2024-25 school year when sixty-eight percent of tuition received under an
- 24 agreement to educate students from a school district on an air force base
- 25 with funding received through federal impact aid must be excluded from the
- 26 tuition calculation under this paragraph;
- 27 (4) Revenue from payments in lieu of taxes on the distribution and transmission
- 28 of electric power;
- 29 (5) Revenue from payments in lieu of taxes on electricity generated from
- 30 sources other than coal; and

- 1 (6) Revenue from the leasing of land acquired by the United States for which
2 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 3 d. An amount equal to the total revenue received by the school district during the
4 2017-18 school year for the following revenue types:
- 5 (1) Mobile home tax revenue;
- 6 (2) Telecommunications tax revenue; and
- 7 (3) Revenue from payments in lieu of taxes and state reimbursement of the
8 homestead credit and disabled veterans credit; and
- 9 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
10 baseline funding for any school district that becomes an elementary district
11 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
12 be proportional to the number of weighted student units in the grades that are
13 offered through another school district relative to the total number of weighted
14 student units the school district offered in the year before the school district
15 became an elementary district. The reduced baseline funding applies to the
16 calculation of state aid for the first school year in which the school district
17 becomes an elementary district and for each year thereafter. For districts that
18 become an elementary district prior to the 2020-21 school year, the
19 superintendent shall use the reduced baseline funding to calculate state aid for
20 the 2020-21 school year and for each year thereafter.
- 21 2. a. The superintendent shall divide the district's baseline funding determined in
22 subsection 1 by the district's 2017-18 weighted student units to determine the
23 district's baseline funding per weighted student unit.
- 24 b. For any school district that becomes an elementary district pursuant to section
25 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
26 district's baseline funding per weighted student unit used to calculate state aid.
27 The superintendent shall divide the district's baseline funding determined in
28 subsection 1 by the district's weighted student units after the school district
29 becomes an elementary district to determine the district's adjusted baseline
30 funding per weighted student unit. The superintendent shall use the district's
31 adjusted baseline funding per weighted student unit in the calculation of state aid

1 for the first school year in which the school district becomes an elementary-
2 district and for each year thereafter.

3 e. ~~Beginning with the 2021-22 school year and for each school year thereafter, the~~
4 ~~superintendent shall reduce the district's baseline funding per weighted student~~
5 ~~unit. Each year the superintendent shall calculate the amount by which the~~
6 ~~district's baseline funding per weighted student unit exceeds the payment per~~
7 ~~weighted student unit provided in subsection 3. For the 2023-24 school year the~~
8 ~~superintendent shall reduce the district's baseline funding per weighted student~~
9 ~~unit by forty percent of the amount by which the district's baseline funding per~~
10 ~~weighted student unit exceeds the payment per weighted student unit for the~~
11 ~~2023-24 school year. For each year thereafter, the reduction percentage is~~
12 ~~increased by an additional fifteen percent. However, the district's baseline funding~~
13 ~~per weighted student unit, after the reduction, may not be less than the payment~~
14 ~~per weighted student unit provided in subsection 3.~~

15 3. a. ~~For the 2023-24 school year, the superintendent shall calculate state aid as the~~
16 ~~greater of:~~

17 (1) ~~The district's weighted student units multiplied by ten thousand six hundred~~
18 ~~forty-six dollars;~~

19 (2) ~~One hundred two percent of the district's baseline funding per weighted~~
20 ~~student unit, as established in subsection 2, multiplied by the district's~~
21 ~~weighted student units, not to exceed the district's 2017-18 baseline~~
22 ~~weighted student units, plus any weighted student units in excess of the~~
23 ~~2017-18 baseline weighted student units multiplied by ten thousand~~
24 ~~six hundred forty-six dollars; or~~

25 (3) ~~The district's baseline funding as established in subsection 1 less the~~
26 ~~amount in paragraph 1, with the difference reduced by forty percent and~~
27 ~~then the difference added to the amount determined in paragraph 1.~~

28 b. ~~For the 2024-25 school year and each school year thereafter, the superintendent~~
29 ~~shall calculate state aid as the greater of:~~

30 (1) ~~The district's weighted student units multiplied by eleven thousand~~
31 ~~seventy-two dollars;~~

- 1 (2) ~~One hundred two percent of the district's baseline funding per weighted~~
2 ~~student unit, as established in subsection 2, multiplied by the district's~~
3 ~~weighted student units, not to exceed the district's 2017-18 baseline~~
4 ~~weighted student units, plus any weighted student units in excess of the~~
5 ~~2017-18 baseline weighted student units multiplied by eleven thousand~~
6 ~~seventy-two dollars; or~~
- 7 (3) ~~The district's baseline funding as established in subsection 1 less the~~
8 ~~amount in paragraph 1, with the difference reduced by fifty five percent for~~
9 ~~the 2024-25 school year and the reduction percentage increasing by fifteen~~
10 ~~percent each school year thereafter until the difference is reduced to zero,~~
11 ~~and then the difference added to the amount determined in paragraph 1.~~
- 12 4. ~~After determining the product in accordance with subsection 3, the superintendent of~~
13 ~~public instruction shall:~~
- 14 a. ~~Subtract an amount equal to sixty mills multiplied by the taxable valuation of the~~
15 ~~school district, except the amount in dollars subtracted for purposes of this~~
16 ~~subdivision may not exceed the previous year's amount in dollars subtracted for~~
17 ~~purposes of this subdivision by more than twelve percent, adjusted pursuant to~~
18 ~~section 15.1-27-04.3; and~~
- 19 b. ~~Subtract an amount equal to seventy-five percent of all revenue types listed in~~
20 ~~subdivisions c and d of subsection 1. Before determining the deduction for~~
21 ~~seventy-five percent of all revenue types, the superintendent of public instruction~~
22 ~~shall adjust revenues as follows:~~
- 23 (4) ~~Tuition revenue shall be adjusted as follows:~~
- 24 (a) ~~In addition to deducting tuition revenue received specifically for the~~
25 ~~operation of an educational program provided at a residential~~
26 ~~treatment facility, tuition revenue received for the provision of an adult~~
27 ~~farm management program, tuition received for the education of~~
28 ~~high-cost and special education students, and tuition received under~~
29 ~~an agreement to educate students from a school district on an~~
30 ~~air force base with funding received through federal impact aid as~~
31 ~~directed each school year in paragraph 3 of subdivision c of~~

1 subsection 1, the superintendent of public instruction also shall reduce
2 the total tuition reported by the school district by the amount of tuition
3 revenue received for the education of students not residing in the
4 state and for which the state has not entered a cross-border education
5 contract; and

6 (b) The superintendent of public instruction also shall reduce the total
7 tuition reported by admitting school districts meeting the requirements
8 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
9 of tuition revenue received for the education of students residing in an
10 adjacent school district.

11 (2) After adjusting tuition revenue as provided in paragraph 1, the
12 superintendent shall reduce all remaining revenues from all revenue types
13 by the percentage of mills levied in 2022 by the school district for sinking
14 and interest relative to the total mills levied in 2022 by the school district for
15 all purposes.

16 5. The amount remaining after the computation required under subsection 4 is the
17 amount of state aid to which a school district is entitled, subject to any other statutory
18 requirements or limitations.

19 6. On or before June thirtieth of each year, the school board shall certify to the
20 superintendent of public instruction the final average daily membership for the current
21 school year.

22 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
23 with the school districts, shall report the following to the superintendent of public
24 instruction on an annual basis:

25 a. The amount of revenue received by each school district in the county during the
26 previous school year for each type of revenue identified in subdivisions c and d of
27 subsection 1;

28 b. The total number of mills levied in the previous calendar year by each school
29 district for all purposes; and

30 e. The number of mills levied in the previous calendar year by each school district
31 for sinking and interest fund purposes.

1 ~~Baseline funding -- Establishment -- Determination of state aid. (Effective after~~
2 ~~June 30, 2025)~~

- 3 1. To determine the amount of state aid payable to each district, the superintendent of
4 public instruction shall establish each district's baseline funding. A district's baseline
5 funding consists of:
- 6 a. All state aid received by the district in accordance with chapter 15.1-27 during the
7 2018-19 school year;
 - 8 b. An amount equal to the property tax deducted by the superintendent of public
9 instruction to determine the 2018-19 state aid payment;
 - 10 c. An amount equal to seventy-five percent of the revenue received by the school
11 district during the 2017-18 school year for the following revenue types:
 - 12 (1) Revenue reported under code 2000 of the North Dakota school district
13 financial accounting and reporting manual, as developed by the
14 superintendent of public instruction in accordance with section 15.1-02-08;
 - 15 (2) Mineral revenue received by the school district through direct allocation from
16 the state treasurer and not reported under code 2000 of the North Dakota
17 school district financial accounting and reporting manual, as developed by
18 the superintendent of public instruction in accordance with section
19 15.1-02-08;
 - 20 (3) Tuition reported under code 1300 of the North Dakota school district
21 financial accounting and reporting manual, as developed by the
22 superintendent of public instruction in accordance with section 15.1-02-08,
23 with the exception of revenue received specifically for the operation of an
24 educational program provided at a residential treatment facility, tuition
25 received for the provision of an adult farm management program, and
26 beginning in the 2025-26 school year, eighty-five percent of tuition received
27 under an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid, until the
29 2026-27 school year, and each school year thereafter, when all tuition
30 received under an agreement to educate students from a school district on

- 1 an air force base with funding received through federal impact aid must be
2 excluded from the tuition calculation under this paragraph;
- 3 (4) Revenue from payments in lieu of taxes on the distribution and transmission
4 of electric power;
- 5 (5) Revenue from payments in lieu of taxes on electricity generated from
6 sources other than coal; and
- 7 (6) Revenue from the leasing of land acquired by the United States for which
8 compensation is allocated to the state under 33 U.S.C. 701(c)(3); ~~and~~
- 9 d. An amount equal to the total revenue received by the school district during the
10 2017-18 school year for the following revenue types:
- 11 (1) Mobile home tax revenue;
- 12 (2) Telecommunications tax revenue; and
- 13 (3) Revenue from payments in lieu of taxes and state reimbursement of the
14 homestead credit and disabled veterans credit; ~~and~~
- 15 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
16 baseline funding for any school district that becomes an elementary district
17 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
18 be proportional to the number of weighted student units in the grades that are
19 offered through another school district relative to the total number of weighted
20 student units the school district offered in the year before the school district
21 became an elementary district. The reduced baseline funding applies to the
22 calculation of state aid for the first school year in which the school district
23 becomes an elementary district and for each year thereafter. For districts that
24 become an elementary district prior to the 2020-21 school year, the
25 superintendent shall use the reduced baseline funding to calculate state aid for
26 the 2020-21 school year and for each year thereafter.
- 27 2. a. The superintendent shall divide the district's baseline funding determined in
28 subsection 1 by the district's 2017-18 weighted student units to determine the
29 district's baseline funding per weighted student unit.
- 30 b. For any school district that becomes an elementary district pursuant to section
31 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the

1 district's baseline funding per weighted student unit used to calculate state aid.
2 The superintendent shall divide the district's baseline funding determined in
3 subsection 1 by the district's weighted student units after the school district
4 becomes an elementary district to determine the district's adjusted baseline
5 funding per weighted student unit. The superintendent shall use the district's
6 adjusted baseline funding per weighted student unit in the calculation of state aid
7 for the first school year in which the school district becomes an elementary
8 district and for each year thereafter.

9 c. Beginning with the 2021-22 school year and for each school year thereafter, the
10 superintendent shall reduce the district's baseline funding per weighted student
11 unit. Each year the superintendent shall calculate the amount by which the
12 district's baseline funding per weighted student unit exceeds the payment per
13 weighted student unit provided in subsection 3. For the 2023-24 school year the
14 superintendent shall reduce the district's baseline funding per weighted student
15 unit by forty percent of the amount by which the district's baseline funding per
16 weighted student unit exceeds the payment per weighted student unit for the
17 2023-24 school year. For each year thereafter, the reduction percentage is
18 increased by an additional fifteen percent. However, the district's baseline funding
19 per weighted student unit, after the reduction, may not be less than the payment
20 per weighted student unit provided in subsection 3.

21 3. a. For the ~~2023-24~~2025-26 school year, the superintendent shall calculate state aid
22 as the greater of:

23 (1) The district's weighted student units multiplied by ~~ten thousand six hundred~~
24 ~~forty-six~~eleven thousand four hundred foureleven thousand two hundred
25 ninety-three dollars;

26 (2) One hundred two percent of the district's baseline funding per weighted
27 student unit, as established in subsection 2, multiplied by the district's
28 weighted student units, not to exceed the district's 2017-18 baseline
29 weighted student units, plus any weighted student units in excess of the
30 2017-18 baseline weighted student units multiplied by ~~ten thousand~~

1 ~~six hundred forty-six~~eleven thousand four hundred four~~eleven thousand two~~
2 hundred ninety-three dollars; or

3 (3) The district's baseline funding as established in subsection 1 less the
4 amount in paragraph 1, with the difference reduced by ~~forty~~seventy percent
5 and then the difference added to the amount determined in paragraph 1.

6 b. For the ~~2024-25~~2026-27 school year and each school year thereafter, the
7 superintendent shall calculate state aid as the greater of:

8 (1) The district's weighted student units multiplied by eleven thousand
9 ~~seventy-two~~seven hundred forty-sixfive hundred nineteen dollars;

10 (2) One hundred two percent of the district's baseline funding per weighted
11 student unit, as established in subsection 2, multiplied by the district's
12 weighted student units, not to exceed the district's 2017-18 baseline
13 weighted student units, plus any weighted student units in excess of the
14 2017-18 baseline weighted student units multiplied by eleven thousand
15 ~~seventy-two~~seven hundred forty-sixfive hundred nineteen dollars; or

16 (3) The district's baseline funding as established in subsection 1 less the
17 amount in paragraph 1, with the difference reduced by ~~fifty-five~~eighty-five
18 percent for the ~~2024-25~~2026-27 school year and the reduction percentage
19 increasing by fifteen percent each school year thereafter until the difference
20 is reduced to zero, and then the difference added to the amount determined
21 in paragraph 1.

22 4. After determining the product in accordance with subsection 3, the superintendent of
23 public instruction shall:

24 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
25 school district; and

26 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
27 ~~subdivisions c and d~~subdivision c and paragraphs 1 and 2 of subdivision d of
28 subsection 1 and revenue from payments in lieu of taxes. Before determining the
29 deduction for seventy-five percent of all revenue types, the superintendent of
30 public instruction shall adjust revenues as follows:

31 (1) Tuition revenue shall be adjusted as follows:

- 1 (a) In addition to deducting tuition revenue received specifically for the
2 operation of an educational program provided at a residential
3 treatment facility, tuition revenue received for the provision of an adult
4 farm management program, tuition received for the education of
5 high-cost and special education students, and tuition received under
6 an agreement to educate students from a school district on an
7 air force base with funding received through federal impact aid as
8 directed each school year in paragraph 3 of subdivision c of
9 subsection 1, the superintendent of public instruction also shall reduce
10 the total tuition reported by the school district by the amount of tuition
11 revenue received for the education of students not residing in the
12 state and for which the state has not entered a cross-border education
13 contract; and
- 14 (b) The superintendent of public instruction also shall reduce the total
15 tuition reported by admitting school districts meeting the requirements
16 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
17 of tuition revenue received for the education of students residing in an
18 adjacent school district.
- 19 (2) After adjusting tuition revenue as provided in paragraph 1, the
20 superintendent shall reduce all remaining revenues from all revenue types
21 by the percentage of mills levied in ~~2022~~2024 by the school district for
22 sinking and interest relative to the total mills levied in ~~2022~~2024 by the
23 school district for all purposes.
- 24 5. The amount remaining after the computation required under subsection 4 is the
25 amount of state aid to which a school district is entitled, subject to any other statutory
26 requirements or limitations.
- 27 6. On or before June thirtieth of each year, the school board shall certify to the
28 superintendent of public instruction the final average daily membership for the current
29 school year.

- 1 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
2 with the school districts, shall report the following to the superintendent of public
3 instruction on an annual basis:
- 4 a. The amount of revenue received by each school district in the county during the
5 previous school year for each type of revenue identified in subdivisions c and d of
6 subsection 1;
- 7 b. The total number of mills levied in the previous calendar year by each school
8 district for all purposes; and
- 9 c. The number of mills levied in the previous calendar year by each school district
10 for sinking and interest fund purposes.

11 **SECTION 2. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-27-35. Average daily membership - Calculation.**

- 14 1. Average daily membership is calculated at the conclusion of the school year by adding
15 the total number of hours that each student in a given grade, school, or school district
16 is in attendance at the school's physical plant during a school calendar and the total
17 number of hours that each student in a given grade, school, or school district is absent
18 during a school calendar, and then dividing the sum by:
- 19 a. Nine hundred sixty-two and one-half hours for elementary school students; or
20 b. One thousand fifty hours for middle and high school students.
- 21 2. For purposes of calculating average daily membership:
- 22 a. A student enrolled full time in any grade from one through twelve may not exceed
23 an average daily membership of 1.00. The membership may be prorated for a
24 student who is enrolled less than full time.
- 25 b. A student enrolled full time in an approved regular education kindergarten
26 program may not exceed an average daily membership of 1.00. The membership
27 may be prorated for a student who is enrolled less than full time.
- 28 c. A student enrolled full time, as defined by the superintendent of public instruction,
29 in an approved early childhood special education program may not exceed an
30 average daily membership of 1.00. The membership may be prorated for a
31 student who is enrolled less than full time.

1 d. A student enrolled full time in virtual instruction is calculated at an average daily
2 membership of 1.00. The membership may be prorated for a student who is
3 enrolled less than full time.

4 3. For purposes of determining state aid pursuant to section 15.1-27-04.1, average daily
5 membership is the greater of:

6 a. The amount calculated in subsections 1 and 2 of this section; or

7 b. The average of the amounts calculated in subsections 1 and 2 of this section for
8 the prior three years.

9 **SECTION 3. AMENDMENT.** Section 48-01.2-02.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **48-01.2-02.1. Public improvement construction threshold.**

- 12 1. The threshold for bidding construction of a public improvement is two hundred fifty
13 thousand dollars. The threshold for procuring plans, drawings, ~~and specifications, and~~
14 bonding from an architect or engineer for construction of a public improvement is two
15 hundred fifty thousand dollars.
- 16 2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision
17 undertakes the construction of a public improvement and there is reason to believe
18 that engineering or architectural services are necessary to protect the health, safety, or
19 welfare of the public, the state or political subdivision shall consider consulting with an
20 engineer or architect.

21 **SECTION 4. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **57-15-14.2. School district levies.**

- 24 1. The board of a school district may levy a tax ~~not exceeding the amount in dollars that~~
25 ~~the school district levied for the prior year, plus twelve percent,~~ up to a levy of seventy
26 mills on the taxable valuation of the district, for any purpose related to the provision of
27 educational services. The proceeds of this levy must be deposited into the school
28 district's general fund and used in accordance with this subsection. The proceeds may
29 not be transferred into any other fund.
- 30 2. The board of a school district may levy no more than twelve mills on the taxable
31 valuation of the district, for miscellaneous purposes and expenses. The proceeds of

1 this levy must be deposited into a special fund known as the miscellaneous fund and
2 used in accordance with this subsection. The proceeds may not be transferred into
3 any other fund.

4 3. The board of a school district may levy no more than three mills on the taxable
5 valuation of the district for deposit into a special reserve fund, in accordance with
6 chapter 57-19.

7 4. The board of a school district may levy no more than the number of mills necessary,
8 on the taxable valuation of the district, for the payment of tuition, in accordance with
9 section 15.1-29-15. The proceeds of this levy must be deposited into a special fund
10 known as the tuition fund and used in accordance with this subsection. The proceeds
11 may not be transferred into any other fund.

12 5. The board of a school district may levy no more than five mills on the taxable valuation
13 of the district, pursuant to section 57-15-15.1, for purposes of developing a school
14 safety plan in accordance with section 15.1-09-60. The proceeds of this levy must be
15 deposited into a special fund known as the school safety plan fund and used in
16 accordance with this subsection.

17 6. Nothing in this section limits the board of a school district from levying:
18 a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
19 b. Mills necessary to pay principal and interest on the bonded debt of the district,
20 including the mills necessary to pay principal and interest on any bonded debt
21 incurred under section 57-15-17.1 before July 1, 2013.

22 **SECTION 5. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

23 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
24 budget shall transfer the sum of ~~\$100,000,000~~\$75,000,000 from the foundation aid stabilization
25 fund to the school construction assistance revolving loan fund during the biennium beginning
26 July 1, 2025, and ending June 30, 2027.

27 **SECTION 6. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable years
28 beginning after December 31, 2024.