

February 4, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1494

Introduced by

Representatives Jonas, Meier, Murphy, Richter, Hager

Senator Boschee

1 A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century  
2 Code, relating to the determination of weighted average daily membership; to provide an  
3 effective date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-27-03.1. Weighted average daily membership - Determination.**

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

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

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

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

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

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

19 d. ~~0.28~~ ~~0.40~~ 0.10 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~~test in the fourth level of proficiency ~~and therefore~~  
4 ~~placed in the second 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. 0.088 the number of students enrolled in average daily membership, in order to  
23 support the provision of special education services;
- 24 k. ~~0.070~~0.40 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~~at  
28 the third of six categories level 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 2. EFFECTIVE DATE.** This Act is effective July 1, 2025.

22       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.