

SCHOOL DISTRICT DATA COLLECTION AND REPORTING REQUIREMENTS - BACKGROUND MEMORANDUM

House Concurrent Resolution No. 3052 (attached as Appendix A) directs the Legislative Council to study school district data collection and reporting requirements.

BACKGROUND

North Dakota Statutory Requirements

Superintendent of Public Instruction

North Dakota Century Code (NDCC) Section 15.1-02-08 directs the Superintendent of Public Instruction to implement a uniform system for the accounting, budgeting, and reporting of data for all school districts in the state. The section also directs the Superintendent of Public Instruction to designate the software standards that school districts are to use in their accounting, budgeting, and reporting functions.

Biennium Report

Data submitted by school districts is put to a variety of uses, including compilation of the Superintendent of Public Instruction's biennial report. In accordance with NDCC Section 15.1-02-09, the biennial report is to include:

1. The number of school districts in the state;
2. The financial condition of each school district, including its receipts and expenditures;
3. The value of all property owned or controlled by each school district;
4. The cost of education in each school district;
5. The number of teachers employed by each school district and their salaries;
6. The number of students in average daily membership and average daily attendance in each school district, the grades in which they are enrolled, and where applicable the courses in which they are enrolled; and
7. Information regarding the state's approved nonpublic schools.

The Superintendent of Public Instruction is directed to provide a copy of the report to each state officer and to the Legislative Council. Eight copies are to be provided to the State Library. Members of the Legislative Assembly receive copies of the report upon their request.

Employee Compensation Report

While the biennial report provides an overview of the state of education, other statutorily mandated reports are designed to elicit greater detail, thereby enhancing the accuracy of any attempted comparisons. An

example of one such report pertains to school district employee compensation. In accordance with NDCC Section 15.1-02-13(1), the report requires each school district to provide to the Superintendent of Public Instruction, with respect to each teacher and class of teachers and with respect to each administrator and class of administrators:

- a. The number of days each was employed during the preceding school year.
- b. The base salaries.
- c. The amount of compensation provided for extended contracts.
- d. The amount of compensation provided for cocurricular activities.
- e. The amount expended for contract buyouts.
- f. The amount of compensation provided in lieu of salaries.
- g. The amount paid for signing bonuses.
- h. The amount of compensation provided for substitute teaching and workload adjustment.
- i. The amount of compensation provided for any other purposes.
- j. The amount expended for health insurance benefits.
- k. The amount expended for dental, vision, and cancer insurance benefits.
- l. The amount expended for life and long-term disability insurance benefits.
- m. The amount of retirement contributions and assessments, including individual shares if paid by the district.
- n. The district's share of Federal Insurance Contributions Act taxes.
- o. The amount of dues or membership fees paid by the district.
- p. Any other benefits provided by the district.

Each school district is also required to indicate whether each teacher and administrator is employed on a full-time or a part-time basis and the number of days used to determine the base salary of each teacher and administrator.

North Dakota Century Code Section 15.1-02-13 specifically precludes the Superintendent of Public Instruction from expanding the listed reporting requirements. On the other hand, the section also sets forth the expectation that the school districts comply with the stated requirements and prohibits the

Superintendent of Public Instruction from forwarding any state aid until the information is received.

Membership, Financial, Enrollment, and Personnel Reports and Mill Levy Certifications

The Superintendent of Public Instruction is also prohibited from forwarding to a school district any state aid payments beyond the October payment unless the district has submitted the annual average daily membership report, the annual school district financial report, the September 10 fall enrollment report, and the personnel report forms for licensed and nonlicensed employees. These requirements are set forth in NDCC Section 15.1-27-02. That section provides no further description as to the content of the named reports. The section does, however, indicate that on or before December 15, each school district is to file with the Superintendent of Public Instruction the taxable valuation and mill levy certifications. If a district fails to file the certifications by the required date, the Superintendent of Public Instruction is again precluded from forwarding state aid payments to the district until such time as the filings are completed.

School Reports

Another section that requires a report but gives no indication of the contents is NDCC Section 15.1-06-18. This section directs each public school principal to complete a school report on forms provided by the Superintendent of Public Instruction and to submit the report to the school district superintendent. The school district superintendent is in turn charged with collecting the completed reports and forwarding them to the Superintendent of Public Instruction. From that point, the reports are submitted to the Governor.

Upon receiving the completed reports, the Governor must convene an ad hoc committee to review the information and make any necessary changes in the information-gathering format. The ad hoc committee consists of the Governor or a designee of the Governor, two individuals selected by the Governor from a list of five nominees proposed by the North Dakota Council of Educational Leaders, two individuals selected by the Governor from a list of five nominees proposed by the North Dakota Education Association, two individuals selected by the Governor from a list of five nominees proposed by the North Dakota School Boards Association, two individuals selected by the Governor from a list of five nominees proposed by the North Dakota Parent-Teachers Association, two parents of school-age children selected by the Governor, two high school students selected by the Governor, and the Superintendent of Public Instruction or a designee of the Superintendent.

School District Biennial Planning Report

In the 2003 legislative session, school boards were directed to invite the public to participate in a biennial planning process for the purpose of addressing the effects that demographics might have on the district in the ensuing three-year and five-year periods and specifically addressing potential effects on academic and extracurricular programs, instructional and administrative staffing, facility needs and utilization, and district tax levies. Upon completion of the planning process, NDCC Section 15.1-07-26 provides that each board must prepare a report, publish a notice in the official newspaper of the district indicating that the report is available, and make the report available upon request.

Professional Development Report

On or before October 1 of each year, school districts are required to file a report with the Superintendent of Public Instruction indicating the amount and source of funds that were made available to the district for professional development during the preceding school year, the amount and source of funds that were expended by the district for professional development during the preceding school year, and a separate list of the professional development activities in which the district participated during the preceding school year, together with the amount of time committed to the activities. North Dakota Century Code Section 15.1-21-12 directs the Superintendent of Public Instruction to compile the information in order to determine how much of the funding available for professional development was in fact used by school districts and whether the expenditure correlated with increased student achievement on the state reading and mathematics tests.

School Approval Process

North Dakota Century Code Section 15.1-06-06 provides that each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the Superintendent of Public Instruction. It also provides that the Superintendent may not approve a school unless:

1. Each classroom teacher holds a valid teaching certificate [license] issued by the education standards and practices board;
2. The students are offered all subjects required by law; and
3. The school is in compliance with all local and state health, fire, and safety laws.

The section is silent with respect to the manner in which the Superintendent of Public Instruction must determine if a school meets the requirements of the section. North Dakota Century Code Section 15.1-02-11 authorizes the Superintendent to adopt rules governing school accreditation but, likewise, provides no guidance as to the manner in which

accreditation must be determined or verified. If, however, a school district wishes to operate a kindergarten, one of the statutory requirements under Section 15.1-22-02 is that the district submit to the Superintendent of Public Instruction and follow a developmentally appropriate curriculum.

Educational Cost Per Student Determination

North Dakota Century Code Section 15.1-27-03 directs the Superintendent of Public Instruction to determine the educational cost per student and specifies various items that the Superintendent may not use in the determination (e.g., capital outlay for buildings, sites, and debt service, and expenditures for school activities, school lunch programs, and transportation). Presumably, such determinations require some form of data collection and reporting requirements.

Per Student Payment Determination

North Dakota Century Code Section 15.1-27-05 provides for application of the equalization factor, commonly referred to as the "mill deduct." The section directs the Superintendent of Public Instruction to determine the amount of payments due a school district based on the addition of the tuition apportionment payments, per student payments, special education aid, and teacher compensation payments and the subtraction from that total of 34 mills times the taxable valuation of property in the district and the amount by which the unobligated general fund balance of the district on the preceding June 30 is in excess of 75 percent of its actual expenditures plus \$20,000. Sections 15.1-27-06 and 15.1-27-07 provide for application of weighting factors based on the number of students in average daily membership in particular types of schools, grades, or sizes of schools. The statutory language in these sections does not explicitly call for data collection and reporting on the part of school districts but rather implicitly calls for such reports. The same is true of other statutory sections that address payments for unaccredited schools, special education, supplemental payments, English language learners, students on active duty, students attending school out of state, isolated schools, cooperating districts, reorganized districts, and summer school programs. However, reimbursement to school districts participating in joint powers agreements is, in accordance with Section 15.1-27-40, based on the submission of receipts for incurred expenses at the time and in the manner designated by the Superintendent of Public Instruction.

Data Collection and Reporting Requirements Imposed by Other Agencies and Entities

School districts must also meet statutory data collection and reporting requirements imposed by state agencies and entities other than the Superintendent of Public Instruction.

Discharge of Personnel for Cause

North Dakota Century Code Section 15.1-15-11 imposes reporting requirements on school boards in the event that a teacher, a principal, or an assistant or associate superintendent is discharged for cause. Section 15.1-14-07 imposes a similar requirement if the individual discharged for cause was the school district superintendent. The required report is to be filed with the Education Standards and Practices Board.

School Condition Report

North Dakota Century Code Section 15.1-09-35 also requires school boards to prepare annually a report regarding "the condition of all schools in the district, including their financial condition and the educational progress of students enrolled in each school." This report is to be forwarded to the county superintendent of schools. The portion of the report that pertains to the financial condition of each school is to be published in the official newspaper of the school district.

City Ordinances and Regulations

The Board of Education of the city of Fargo is required by NDCC Section 15.1-09-50(9) to "prepare and report to the mayor and the city council ordinances and regulations necessary for the protection, safekeeping, and care of the schools, lots, sites, and appurtenances and all the property belonging to the city, connected with and appertaining to the schools, and to suggest proper penalties for the violation of ordinances and regulations."

Career and Technical Education Curricula

Some statutory data collection and reporting requirements reference submissions, but in a manner that lacks clarity. North Dakota Century Code Section 15-20.1-11, for example, provides that the "curriculum offered students by an area career and technology center must be as determined by the school board; provided, that such curriculum must be submitted annually to the state board for approval, and only an approved curriculum may be offered." An "area career and technology center" is not defined in Chapter 15-20.1. It is, however, defined in the following chapter as "a program of career and technical education conducted at one or more attendance centers by three or more participating public school districts." A school board is also defined as "a participating public school district board." (See Section 15-20.2-01.) Section 15-20.1-11 is not clear with respect to which entity is to fulfill the statutory requirement regarding curricular submissions to the State Board for Career and Technical Education.

Availability of Forms Superintendent of Public Instruction

The Superintendent of Public Instruction has made available on the Department of Public Instruction web site (www.dpi.state.nd.us/forms/duedates.pdf) a list of forms with due dates. The list, which includes forms for both data collection and reporting requirements, as well as various applications, petitions, and questionnaires, is attached as Appendix B. The Superintendent of Public Instruction has also provided an extensive list of available forms categorized by topics. This list includes forms for annexations and dissolutions, the school district census, credentials, district budgets and tax levies, elections, the education of homeless children, enrollment, Even Start, federal title programs, financial reports, membership reports, school construction, special education contracts, summer school, transportation, tuition, school nutrition programs, child and adult care food programs, food distribution programs, summer food service programs, federal special education programs, bilingual and second language programs, summer traineeship programs, special milk programs, character education, school-wide programs, comprehensive school reform demonstration projects, school approval and accreditation, home education, education technology, and other miscellaneous topics. The list contains direct links to all the forms and can be accessed at www.dpi.state.nd.us/forms/frmreslt.asp.

State Board for Career and Technical Education

The State Board for Career and Technical education (formerly known as the State Board for Vocational and Technical Education) also maintains a web site through which it provides various forms to be completed by school districts. Section 115(a) of the Carl D. Perkins Vocational and Applied Technology Act of 1990 provides that each state board that receives funds

under the Act must develop and implement a statewide system of core standards and measures of performance for its secondary and postsecondary vocational education programs. The Act also requires any entity that receives financial assistance under the Act to annually evaluate the effectiveness of its program in accordance with the standards and measures developed by the state board. The program evaluation forms are available at www.state.nd.us/vte/services/evaluation/index.htm and pertain to the areas of administration, agriculture education, business and office technology, career development, diversified occupations, family and consumer sciences, health careers, information technology, marketing education, special populations, technology education, and trade, industry, and technical education.

North Dakota Educational Technology Council

The North Dakota Educational Technology Council has approved a *North Dakota Educational Technology Plan*. The plan is designed to identify the goals, objectives, strategies, timelines, and measures of success that state agencies, institutions, and programs will use in supporting the use of technology to improve elementary and secondary students' learning. The plan, which can be found at www.state.nd.us/itd/etc/docs/03-05-state-tech-plan-final-with-cover.pdf, references the need to be accountable for results and proposes that a systematic process should be in place for continuous assessment, evaluation, and reporting the extent to which students are progressing and whether educational objectives are being met.

ATTACH:2