

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2162

Introduced by

Education Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 15-40.1-06,
2 sections 15-40.1-07 and 15-40.1-08 of the North Dakota Century Code, relating to educational
3 support per student and payment factors.

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

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 15-40.1-06 of the
6 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 2. a. The educational support per student during the first year of the ~~1997-99~~
8 1999-2001 biennium must be ~~one thousand nine hundred fifty-four~~ two
9 thousand one hundred twenty-nine dollars and for the second year of the
10 ~~1997-99~~ 1999-2001 biennium the educational support per student must be
11 ~~two thousand thirty-two~~ two thousand two hundred twenty-one dollars and is
12 the basis for calculating grants-in-aid on a per student basis as provided in
13 sections 15-40.1-07 and 15-40.1-08.

14 **SECTION 2. AMENDMENT.** Section 15-40.1-07 of the 1997 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **15-40.1-07. High school per student payments - Amount - Proportionate**
17 **payments.** Payments must be made each year from state funds to each school district
18 operating a high school and to each school district contracting to educate high school students
19 in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

20 1. For each high school district having under seventy-five students in average daily
21 membership in grades nine through twelve, the amount of money resulting from
22 multiplying the factor 1.625 adjusted by ~~sixty-five~~ eighty-five percent of the
23 difference between 1.625 and the factor representing the five-year average cost of
24 education per student for this category, as determined by the superintendent of

public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student as provided in section 15-40.1-06. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.625 adjusted by seventy five percent of the difference between 1.625 and the factor representing that which represents~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

2. For each high school district having seventy-five or more, but less than one hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.335 adjusted by ~~sixty five~~ eighty-five percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.335 adjusted by seventy five percent of the difference between 1.335 and the factor representing that which represents~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

3. For each high school district having one hundred fifty or more, but less than five hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.24 adjusted by ~~sixty five~~ eighty-five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.24 adjusted by seventy five percent of the difference between 1.24 and the factor representing that which represents~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

- 1 4. For each high school district having a total high school enrollment of five hundred
2 fifty or more students in average daily membership in grades nine through twelve,
3 the amount of money resulting from multiplying the factor 1.14 adjusted by
4 ~~sixty-five~~ eighty-five percent of the difference between 1.14 and the factor
5 representing the five-year average cost of education per student for this category,
6 as determined by the superintendent of public instruction, times the number of high
7 school students in grades nine through twelve registered in that school district,
8 times the educational support per student provided in section 15-40.1-06.
9 Beginning July 1, ~~1998~~ 2000, the factor is ~~1.14 adjusted by seventy-five percent of~~
10 ~~the difference between 1.14 and the factor representing~~ that which represents the
11 five-year average cost of education per student for this category, as determined by
12 the superintendent of public instruction.
- 13 5. For high schools having an approved alternative education program, the amount of
14 money resulting from multiplying the factor in:
- 15 a. Subsection 1 times the number of students registered in the alternative
16 education program, times the educational support per student provided in
17 section 15-40.1-06, if the alternative education program has less than
18 seventy-five students in average daily membership.
- 19 b. Subsection 2 times the number of students registered in the alternative
20 education program, times the educational support per student provided in
21 section 15-40.1-06, if the alternative education program has seventy-five or
22 more, but less than one hundred fifty students in average daily membership.
- 23 c. Subsection 3 times the number of students registered in the alternative
24 education program, times the educational support per student provided in
25 section 15-40.1-06, if the alternative education program has one hundred fifty
26 or more, but less than five hundred fifty students in average daily
27 membership.
- 28 d. Subsection 4 times the number of students registered in the alternative
29 education program times the educational support per student as provided in
30 section 15-40.1-06 if the alternative education program has five hundred fifty
31 or more students in average daily membership.

1 Every high school district must receive at least as much in total payments as it would have
2 received if it had the highest number of students in the next lower category. Payments may not
3 be made unless four or more units of standard high school work approved by the
4 superintendent of public instruction are offered during the current year, only certificated
5 teachers have been employed, and the other standards prescribed by this chapter have been
6 met. Payments must be made to the high school district in which the student is enrolled for
7 graduation and units of approved vocational education in accordance with the provisions of
8 chapter 15-20.1, and other courses approved by the superintendent of public instruction,
9 earned in another high school district must be included to meet the minimum four required
10 units. In the case of students enrolled in nonpublic schools for graduation or students enrolled
11 in less than four units of standard high school work who are in their fourth year of high school
12 coursework and who are enrolled in approved alternative high school curriculum programs,
13 proportionate payments must be made to the public school district in which the student is
14 enrolled for specific courses. School districts offering high school summer school programs are
15 eligible for proportionate payments provided each course offered satisfies requirements for
16 graduation, comprises at least as many clock hours as courses offered during the regular
17 school term, and complies with rules adopted by the superintendent of public instruction. The
18 superintendent may adopt rules regarding eligibility for school districts to receive proportionate
19 payments for summer education programs. The proportionate payment made under this
20 section during the biennium for high school summer school programs may not exceed one and
21 one-half percent of the total amount appropriated by the legislative assembly for foundation aid
22 and transportation aid during the biennium.

23 **SECTION 3. AMENDMENT.** Section 15-40.1-08 of the 1997 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **15-40.1-08. Elementary per student payments - Amount.** Payments must be made
26 from state funds to each school district operating an elementary school and to each school
27 district contracting to educate elementary students in a federal school, employing teachers
28 holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36,
29 adjusted as provided in section 15-40.1-09, as follows:

- 30 1. For each one-room rural school, the amount of money resulting from multiplying
31 the factor 1.28 adjusted by ~~sixty-five~~ eighty-five percent of the difference between

1.28 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through eight in average daily membership, up to a maximum of sixteen students, times the educational support per student provided in section 15-40.1-06. There must be paid .9 times each additional student in its school in grades one through eight in average daily membership times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than twenty students in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the students in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has students in grade seven or eight, the weighting factor for the students in grade seven or eight must be the same as that provided for in subsection 5. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.28 adjusted by seventy-five percent of the difference between 1.28 and~~ that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

2. For each elementary school in school districts having under one hundred students in average daily membership in grades one through six, the amount of money resulting from multiplying the factor 1.09 adjusted by ~~sixty-five~~ eighty-five percent of the difference between 1.09 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher, times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.09 adjusted by seventy-five percent of the difference between 1.09 and~~ that which represents the five-year average cost of

education per student for this category, as determined by the superintendent of public instruction.

3. For each elementary school in school districts having one hundred or more students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary students in grades one through six, the amount of money resulting from multiplying the factor .905 adjusted by ~~sixty-five~~ eighty-five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, ~~1998~~ 2000, the factor is ~~.905 adjusted by seventy five percent of the difference between .905 and that which represents~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

4. For each elementary school in school districts having an average daily membership of one thousand or more elementary students in grades one through six, the amount of money resulting from multiplying the factor .95 adjusted by ~~sixty-five~~ eighty-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, ~~1998~~ 2000, the factor is ~~.95 adjusted by seventy five percent of the difference between .95 and that which represents~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

- 1 5. For each of the above classes of elementary schools, except for one-room rural
2 schools that are not located in a district with another school having students in
3 grade seven or eight, there must be paid to each school the amount of money
4 resulting from multiplying the factor 1.01 adjusted by ~~sixty-five~~ eighty-five percent
5 of the difference between 1.01 and the factor representing the five-year average
6 cost of education per student for this category, as determined by the
7 superintendent of public instruction, times the number of students in that school in
8 grades seven and eight in average daily membership in each classroom or for
9 each teacher times the educational support per student provided in section
10 15-40.1-06, except that no payment may be made for more than thirty students in
11 average daily membership in each classroom or for each teacher. Beginning
12 July 1, ~~1998~~ 2000, the factor is ~~1.01 adjusted by seventy-five percent of the~~
13 ~~difference between 1.01 and~~ that which represents the five-year average cost of
14 education per student for this category, as determined by the superintendent of
15 public instruction.
- 16 6. For each elementary school having students under the compulsory age for school
17 attendance, but not less than three years of age, in a special education program
18 approved by the director of special education, the amount of money resulting from
19 multiplying the factor 1.01 adjusted by ~~sixty-five~~ eighty-five percent of the
20 difference between 1.01 and the factor representing the five-year average cost of
21 education per student for this category, as determined by the superintendent of
22 public instruction, times the number of special education students in that school
23 under the compulsory age for school attendance in average daily membership in
24 each classroom or for each teacher times the educational support per student
25 provided in section 15-40.1-06. Beginning July 1, ~~1998~~ 2000, the factor is ~~1.01~~
26 ~~adjusted by seventy-five percent of the difference between 1.01 and~~ that which
27 represents the five-year average cost of education per student for this category, as
28 determined by the superintendent of public instruction.
- 29 7. For each elementary school providing a kindergarten that is established according
30 to provisions of section 15-45-01, the amount of money resulting from multiplying
31 the factor .50 adjusted by ~~sixty-five~~ eighty-five percent of the difference between

1 .50 and the factor representing the five-year average cost of education per student
2 for this category, as determined by the superintendent of public instruction, times
3 the number of students in that school in average daily membership in each
4 classroom or for each teacher times the educational support per student, as
5 provided under section 15-40.1-06, except that no payment may be made for more
6 than twenty-five students in average daily membership in each classroom or for
7 each teacher. The full per student payment may be made only to those
8 kindergarten programs providing the equivalent of ninety full days of classroom
9 instruction during any twelve-month period. Programs providing shorter periods of
10 instruction during the same time period must receive a proportionately smaller per
11 student payment. Beginning July 1, ~~1998~~ 2000, the factor is ~~.50 adjusted by~~
12 ~~seventy-five percent of the difference between .50 and~~ that which represents the
13 five-year average cost of education per student for this category, as determined by
14 the superintendent of public instruction.

15 The superintendent of public instruction shall make proportionate payments to each
16 public school district educating students who are also enrolled in nonpublic schools.

17 Every school district must receive at least as much in total payments for elementary
18 students as it would have received if it had the highest number of students in the next lower
19 category.