

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1145

Introduced by

Education Committee

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

1 A BILL for an Act to amend and reenact sections 15-40.1-07 and 15-40.1-08 of the North  
2 Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-06 and  
3 15.1-27-07 of the North Dakota Century Code, relating to the adjustment of weighting factors  
4 for per student state aid payments to school districts.

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

6 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section  
7 15-40.1-07 of the 1999 Supplement to the North Dakota Century Code is amended and  
8 reenacted as follows:

9 **15-40.1-07. High school per student payments - Amount - Proportionate**  
10 **payments.** Payments must be made each year from state funds to each school district  
11 operating a high school and to each school district contracting to educate high school students  
12 in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

13 1. For each high school district having under seventy-five students in average daily  
14 membership in grades nine through twelve, the amount of money resulting from  
15 multiplying the factor 1.625 adjusted for the first year of the biennium by  
16 ~~seventy-five~~ eighty-five percent of the difference between 1.625 and the factor  
17 representing the five-year average cost of education per student for this category,  
18 as determined by the superintendent of public instruction, times the number of high  
19 school students in grades nine through twelve registered in that school district,  
20 times the educational support per student as provided in section 15-40.1-06.  
21 Beginning July 1, 2002, the factor is that which represents the five-year average  
22 cost of education per student for this category, as determined by the  
23 superintendent of public instruction.

- 1           2. For each high school district having seventy-five or more, but less than one  
2           hundred fifty students in average daily membership in grades nine through twelve,  
3           the amount of money resulting from multiplying the factor 1.335 adjusted for the  
4           first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference  
5           between 1.335 and the factor representing the five-year average cost of education  
6           per student for this category, as determined by the superintendent of public  
7           instruction, times the number of high school students in grades nine through twelve  
8           registered in that school district, times the educational support per student  
9           provided in section 15-40.1-06. Beginning July 1, 2002, the factor is that which  
10          represents the five-year average cost of education per student for this category, as  
11          determined by the superintendent of public instruction.
- 12          3. For each high school district having one hundred fifty or more, but less than five  
13          hundred fifty students in average daily membership in grades nine through twelve,  
14          the amount of money resulting from multiplying the factor 1.24 adjusted for the first  
15          year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between  
16          1.24 and the factor representing the five-year average cost of education per  
17          student for this category, as determined by the superintendent of public instruction,  
18          times the number of high school students in grades nine through twelve registered  
19          in that school district, times the educational support per student provided in section  
20          15-40.1-06. Beginning July 1, 2002, the factor is that which represents the  
21          five-year average cost of education per student for this category, as determined by  
22          the superintendent of public instruction.
- 23          4. For each high school district having a total high school enrollment of five hundred  
24          fifty or more students in average daily membership in grades nine through twelve,  
25          the amount of money resulting from multiplying the factor 1.14 adjusted for the first  
26          year of the biennium by ~~seventy-five~~ eighty-five percent of the difference between  
27          1.14 and the factor representing the five-year average cost of education per  
28          student for this category, as determined by the superintendent of public instruction,  
29          times the number of high school students in grades nine through twelve registered  
30          in that school district, times the educational support per student provided in section  
31          15-40.1-06. Beginning July 1, 2002, the factor is that which represents the

1           five-year average cost of education per student for this category, as determined by  
2           the superintendent of public instruction.

3           5. For high schools having an approved alternative education program, the amount of  
4           money resulting from multiplying the factor in:

5           a. Subsection 1 times the number of students registered in the alternative  
6           education program, times the educational support per student provided in  
7           section 15-40.1-06, if the alternative education program has less than  
8           seventy-five students in average daily membership.

9           b. Subsection 2 times the number of students registered in the alternative  
10          education program, times the educational support per student provided in  
11          section 15-40.1-06, if the alternative education program has seventy-five or  
12          more, but less than one hundred fifty students in average daily membership.

13          c. Subsection 3 times the number of students registered in the alternative  
14          education program, times the educational support per student provided in  
15          section 15-40.1-06, if the alternative education program has one hundred fifty  
16          or more, but less than five hundred fifty students in average daily  
17          membership.

18          d. Subsection 4 times the number of students registered in the alternative  
19          education program times the educational support per student as provided in  
20          section 15-40.1-06 if the alternative education program has five hundred fifty  
21          or more students in average daily membership.

22 Every high school district must receive at least as much in total payments as it would have  
23 received if it had the highest number of students in the next lower category. Payments may not  
24 be made unless four or more units of standard high school work approved by the  
25 superintendent of public instruction are offered during the current year, only licensed teachers  
26 have been employed, and the other standards prescribed by this chapter have been met.  
27 Payments must be made to the high school district in which the student is enrolled for  
28 graduation and units of approved vocational education in accordance with the provisions of  
29 chapter 15-20.1, and other courses approved by the superintendent of public instruction,  
30 earned in another high school district must be included to meet the minimum four required  
31 units. In the case of students enrolled in nonpublic schools for graduation or students enrolled

1 in less than four units of standard high school work who are in their fourth year of high school  
2 coursework and who are enrolled in approved alternative high school curriculum programs,  
3 proportionate payments must be made to the public school district in which the student is  
4 enrolled for specific courses.

5 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section  
6 15-40.1-08 of the 1999 Supplement to the North Dakota Century Code is amended and  
7 reenacted as follows:

8 **15-40.1-08. Elementary per student payments - Amount.** Payments must be made  
9 from state funds to each school district operating an elementary school and to each school  
10 district contracting to educate elementary students in a federal school, employing teachers  
11 holding valid licenses in accordance with section 15-47-46 and chapter 15-36, adjusted as  
12 provided in section 15-40.1-09, as follows:

13 1. For each one-room rural school, the amount of money resulting from multiplying  
14 the factor 1.28 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five  
15 percent of the difference between 1.28 and the factor representing the five-year  
16 average cost of education per student for this category, as determined by the  
17 superintendent of public instruction, times the number of students in that school in  
18 grades one through eight in average daily membership, up to a maximum of  
19 sixteen students, times the educational support per student provided in section  
20 15-40.1-06. Beginning July 1, 2002, the factor is that which represents the  
21 five-year average cost of education per student for this category, as determined by  
22 the superintendent of public instruction. There must be paid .9 times each  
23 additional student in its school in grades one through eight in average daily  
24 membership times the educational support per student provided in section  
25 15-40.1-06, except that no payment may be made for more than twenty students in  
26 average daily membership. If the one-room rural school is located in a school  
27 district with another elementary school, the weighting factor for the students in  
28 grades one through six must be based on the average daily membership in the  
29 district in grades one through six as provided in subsections 2 through 4. If the  
30 one-room rural school is located in a school district with another school that has

- 1 students in grade seven or eight, the weighting factor for the students in grade  
2 seven or eight must be the same as that provided for in subsection 5.
- 3 2. For each elementary school in school districts having under one hundred students  
4 in average daily membership in grades one through six, the amount of money  
5 resulting from multiplying the factor 1.09 adjusted for the first year of the biennium  
6 by ~~seventy-five~~ eighty-five percent of the difference between 1.09 and the factor  
7 representing the five-year average cost of education per student for this category,  
8 as determined by the superintendent of public instruction, times the number of  
9 students in that school in grades one through six in average daily membership in  
10 each classroom or for each teacher, times the educational support per student  
11 provided in section 15-40.1-06, except that no payment may be made for more  
12 than twenty-five students in average daily membership in each classroom or for  
13 each teacher. Beginning July 1, 2002, the factor is that which represents the  
14 five-year average cost of education per student for this category, as determined by  
15 the superintendent of public instruction.
- 16 3. For each elementary school in school districts having one hundred or more  
17 students in average daily membership in grades one through six, and provided the  
18 districts in which such schools are located have an average daily membership of  
19 less than one thousand elementary students in grades one through six, the amount  
20 of money resulting from multiplying the factor .905 adjusted for the first year of the  
21 biennium by ~~seventy-five~~ eighty-five percent of the difference between .905 and  
22 the factor representing the five-year average cost of education per student for this  
23 category, as determined by the superintendent of public instruction, times the  
24 number of students in that school in grades one through six in average daily  
25 membership in each classroom or for each teacher times the educational support  
26 per student provided in section 15-40.1-06, except that no payment may be made  
27 for more than thirty students in average daily membership in each classroom or for  
28 each teacher. Beginning July 1, 2002, the factor is that which represents the  
29 five-year average cost of education per student for this category, as determined by  
30 the superintendent of public instruction.

- 1           4. For each elementary school in school districts having an average daily  
2 membership of one thousand or more elementary students in grades one through  
3 six, the amount of money resulting from multiplying the factor .95 adjusted for the  
4 first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference  
5 between .95 and the factor representing the five-year average cost of education  
6 per student for this category, as determined by the superintendent of public  
7 instruction, times the number of students in that school in grades one through six  
8 in average daily membership in each classroom or for each teacher times the  
9 educational support per student provided in section 15-40.1-06, except that no  
10 payment may be made for more than thirty students in average daily membership  
11 in each classroom or for each teacher. Beginning July 1, 2002, the factor is that  
12 which represents the five-year average cost of education per student for this  
13 category, as determined by the superintendent of public instruction.
- 14           5. For each of the above classes of elementary schools, except for one-room rural  
15 schools that are not located in a district with another school having students in  
16 grade seven or eight, there must be paid to each school the amount of money  
17 resulting from multiplying the factor 1.01 adjusted for the first year of the biennium  
18 by ~~seventy-five~~ eighty-five percent of the difference between 1.01 and the factor  
19 representing the five-year average cost of education per student for this category,  
20 as determined by the superintendent of public instruction, times the number of  
21 students in that school in grades seven and eight in average daily membership in  
22 each classroom or for each teacher times the educational support per student  
23 provided in section 15-40.1-06, except that no payment may be made for more  
24 than thirty students in average daily membership in each classroom or for each  
25 teacher. Beginning July 1, 2002, the factor is that which represents the five-year  
26 average cost of education per student for this category, as determined by the  
27 superintendent of public instruction.
- 28           6. For each elementary school having students under the compulsory age for school  
29 attendance, but not less than three years of age, in a special education program  
30 approved by the director of special education, the amount of money resulting from  
31 multiplying the factor 1.01 adjusted for the first year of the biennium by

1           ~~seventy-five~~ eighty-five percent of the difference between 1.01 and the factor  
2           representing the five-year average cost of education per student for this category,  
3           as determined by the superintendent of public instruction, times the number of  
4           special education students in that school under the compulsory age for school  
5           attendance in average daily membership in each classroom or for each teacher  
6           times the educational support per student provided in section 15-40.1-06.

7           Beginning July 1, 2002, the factor is that which represents the five-year average  
8           cost of education per student for this category, as determined by the  
9           superintendent of public instruction.

10          7. For each elementary school providing a kindergarten that is established according  
11          to provisions of section 15-45-01, the amount of money resulting from multiplying  
12          the factor .50 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five  
13          percent of the difference between .50 and the factor representing the five-year  
14          average cost of education per student for this category, as determined by the  
15          superintendent of public instruction, times the number of students in that school in  
16          average daily membership in each classroom or for each teacher times the  
17          educational support per student, as provided under section 15-40.1-06, except that  
18          no payment may be made for more than twenty-five students in average daily  
19          membership in each classroom or for each teacher. Beginning July 1, 2002, the  
20          factor is that which represents the five-year average cost of education per student  
21          for this category, as determined by the superintendent of public instruction. The  
22          full per student payment may be made only to those kindergarten programs  
23          providing the equivalent of ninety full days of classroom instruction during any  
24          twelve-month period. Programs providing shorter periods of instruction during the  
25          same time period must receive a proportionately smaller per student payment.

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

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

1           **SECTION 3. AMENDMENT.** Section 15.1-27-06 of the North Dakota Century Code as  
2 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is  
3 amended and reenacted as follows:

4           **15.1-27-06. Per student payments - Weighting factors - High school students.**

5 The superintendent of public instruction shall make payments each year, as provided for in this  
6 section, to each school district operating a high school and to each school district contracting to  
7 educate high school students in a federal school, subject to adjustment as provided in section  
8 15.1-27-21.

- 9           1. Each district having under seventy-five students in average daily membership in  
10 grades nine through twelve is entitled to receive the amount of money that results  
11 from multiplying the factor 1.625 adjusted for the first year of the biennium by  
12 ~~seventy-five~~ eighty-five percent of the difference between 1.625 and the factor  
13 representing the five-year average cost of education per student for this category,  
14 as determined by the superintendent of public instruction, by the number of  
15 students in grades nine through twelve who are registered in that district, times the  
16 per student payment provided for in section 15.1-27-04. Beginning July 1, 2002,  
17 the factor is that which represents the five-year average cost of education per  
18 student for this category, as determined by the superintendent of public instruction.
- 19           2. Each district having at least seventy-five but fewer than one hundred fifty students  
20 in average daily membership in grades nine through twelve is entitled to receive  
21 the amount of money that results from multiplying the factor 1.335 adjusted for the  
22 first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference  
23 between 1.335 and the factor representing the five-year average cost of education  
24 per student for this category, as determined by the superintendent of public  
25 instruction, by the number of students in grades nine through twelve who are  
26 registered in that district, times the per student payment provided for in section  
27 15.1-27-04. Beginning July 1, 2002, the factor is that which represents the  
28 five-year average cost of education per student for this category, as determined by  
29 the superintendent of public instruction.
- 30           3. Each district having at least one hundred fifty but fewer than five hundred fifty  
31 students in average daily membership in grades nine through twelve is entitled to



1 receive the amount of money that results from multiplying the factor 1.24 adjusted  
2 for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the  
3 difference between 1.24 and the factor representing the five-year average cost of  
4 education per student for this category, as determined by the superintendent of  
5 public instruction, by the number of students in grades nine through twelve who  
6 are registered in that district, times the per student payment provided for in section  
7 15.1-27-04. Beginning July 1, 2002, the factor is that which represents the  
8 five-year average cost of education per student for this category, as determined by  
9 the superintendent of public instruction.

10 4. Each district having at least five hundred fifty students in average daily  
11 membership in grades nine through twelve is entitled to receive the amount of  
12 money that results from multiplying the factor 1.14 adjusted for the first year of the  
13 biennium by ~~seventy-five~~ eighty-five percent of the difference between 1.14 and  
14 the factor representing the five-year average cost of education per student for this  
15 category, as determined by the superintendent of public instruction, by the number  
16 of students in grades nine through twelve who are registered in that district, times  
17 the per student payment provided for in section 15.1-27-04. Beginning July 1,  
18 2002, the factor is that which represents the five-year average cost of education  
19 per student for this category, as determined by the superintendent of public  
20 instruction.

21 5. Each district having an approved alternative high school education program is  
22 entitled to receive the amount of money that results from multiplying the factor in:  
23 a. Subsection 1 by the number of students registered in the alternative  
24 education program, times the per student payment provided for in section  
25 15.1-27-04, if fewer than seventy-five students in average daily membership  
26 are enrolled in the alternative education program.  
27 b. Subsection 2 by the number of students registered in the alternative  
28 education program, times the per student payment provided for in section  
29 15.1-27-04, if at least seventy-five but fewer than one hundred fifty students in  
30 average daily membership are enrolled in the alternative education program.

- 1           c. Subsection 3 by the number of students registered in the alternative  
2           education program, times the per student payment provided for in section  
3           15.1-27-04, if at least one hundred fifty but fewer than five hundred fifty  
4           students in average daily membership are enrolled in the alternative  
5           education program.
- 6           d. Subsection 4 by the number of students registered in the alternative  
7           education program, times the per student payment provided for in section  
8           15.1-27-04, if at least five hundred fifty students in average daily membership  
9           are enrolled in the alternative education program.
- 10          6. In order to be eligible for enumeration under this section, a student:
- 11           a. Must have completed the work of the eighth grade;
- 12           b. Must not have completed the work of the twelfth grade; and
- 13           c. Must be a resident of this state or a nonresident attending a school in this  
14           state under the auspices of a foreign student exchange program.

15           **SECTION 4. AMENDMENT.** Section 15.1-27-07 of the North Dakota Century Code as  
16           created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is  
17           amended and reenacted as follows:

18           **15.1-27-07. Per student payments - Weighting factors - Elementary school**  
19           **students.** The superintendent of public instruction shall make payments each year, as  
20           provided for in this section, to each school district operating an elementary school and to each  
21           school district contracting to educate elementary students in a federal school, subject to  
22           adjustment as provided in section 15.1-27-21.

- 23          1. a. Each district having only a one-room rural school is entitled to receive the  
24           amount of money that results from multiplying the factor 1.28 adjusted for the  
25           first year of the biennium by ~~seventy-five~~ eighty-five percent of the difference  
26           between 1.28 and the factor representing the five-year average cost of  
27           education per student for this category, as determined by the superintendent  
28           of public instruction, by the number of students in average daily membership  
29           in grades one through eight in that school, times the per student payment  
30           provided for in section 15.1-27-04. Beginning July 1, 2002, the factor is that  
31           which represents the five-year average cost of education per student for this

- 1                   category, as determined by the superintendent of public instruction. The  
2                   payment level provided for in this subdivision is applicable only to the first  
3                   sixteen students.
- 4                   b. If the one-room rural school has more than sixteen students in average daily  
5                   membership in grades one through eight, the district in which the school is  
6                   located is entitled to receive ninety percent of the per student payment  
7                   provided for in section 15.1-27-04 for each additional student. The district is  
8                   not entitled to any payment for more than twenty students in average daily  
9                   membership.
- 10                  c. If a one-room rural school is located in a district having another elementary  
11                  school, the weighting factor for the students in grades one through six must  
12                  be based on the average daily membership in the district in grades one  
13                  through six, as provided in this section.
- 14                  d. If a one-room rural school is located in a school district with another school  
15                  that has students in grade seven or eight, the weighting factor for the students  
16                  in grade seven or eight must be the same as that provided for in subsection 5.
- 17                  2. Except as provided in subsection 1, each school district having fewer than one  
18                  hundred students in average daily membership in grades one through six is  
19                  entitled to receive the amount of money that results from multiplying the factor 1.09  
20                  adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the  
21                  difference between 1.09 and the factor representing the five-year average cost of  
22                  education per student for this category, as determined by the superintendent of  
23                  public instruction, by the number of students in average daily membership in  
24                  grades one through six in the district, times the per student payment provided for in  
25                  section 15.1-27-04. The payment provided for in this subsection is applicable only  
26                  to the first twenty-five students in average daily membership per classroom or per  
27                  teacher. Beginning July 1, 2002, the factor is that which represents the five-year  
28                  average cost of education per student for this category, as determined by the  
29                  superintendent of public instruction.
- 30                  3. Each school district having at least one hundred students but fewer than one  
31                  thousand students in average daily membership in grades one through six is

- 1 entitled to receive the amount of money that results from multiplying the factor .905  
2 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the  
3 difference between .905 and the factor representing the five-year average cost of  
4 education per student for this category, as determined by the superintendent of  
5 public instruction, by the number of students in average daily membership in  
6 grades one through six in the district, times the per student payment provided for in  
7 section 15.1-27-04. Beginning July 1, 2002, the factor is that which represents the  
8 five-year average cost of education per student for this category, as determined by  
9 the superintendent of public instruction. The payment provided for in this  
10 subsection is applicable only to the first thirty students in average daily  
11 membership per classroom or per teacher.
- 12 4. Each school district having at least one thousand students in average daily  
13 membership in grades one through six is entitled to receive the amount of money  
14 that results from multiplying the factor .95 adjusted for the first year of the biennium  
15 by ~~seventy-five~~ eighty-five percent of the difference between .95 and the factor  
16 representing the five-year average cost of education per student for this category,  
17 as determined by the superintendent of public instruction, by the number of  
18 students in average daily membership in grades one through six in the district,  
19 times the per student payment provided for in section 15.1-27-04. Beginning  
20 July 1, 2002, the factor is that which represents the five-year average cost of  
21 education per student for this category, as determined by the superintendent of  
22 public instruction. The payment provided for in this subsection is applicable only to  
23 the first thirty students in average daily membership per classroom or per teacher.
- 24 5. Each school district having students in grades seven and eight is entitled to  
25 receive the amount of money that results from multiplying the factor 1.01 adjusted  
26 for the first year of the biennium by ~~seventy-five~~ eighty-five percent of the  
27 difference between 1.01 and the factor representing the five-year average cost of  
28 education per student for this category, as determined by the superintendent of  
29 public instruction, by the number of students in average daily membership in  
30 grades seven and eight in the district, times the per student payment provided for  
31 in section 15.1-27-04. Beginning July 1, 2002, the factor is that which represents

1           the five-year average cost of education per student for this category, as  
2           determined by the superintendent of public instruction. The payment provided for  
3           in this subsection is applicable only to the first thirty students in average daily  
4           membership per classroom or per teacher. The payments provided for in this  
5           subsection are not available for students who attend a one-room rural school if that  
6           school is the only one in the district that offers educational services to students in  
7           grades seven and eight.

8           6. Each school district having a special education program approved by the director  
9           of special education is entitled to receive, for each student who is enrolled in the  
10          program and who is at least three years of age but less than the compulsory age  
11          for school attendance, the amount of money that results from multiplying the factor  
12          1.01 adjusted for the first year of the biennium by ~~seventy-five~~ eighty-five percent  
13          of the difference between 1.01 and the factor representing the five-year average  
14          cost of education per student for this category, as determined by the  
15          superintendent of public instruction, by the number of special education students in  
16          average daily membership in the program who are at least three years of age but  
17          less than the compulsory age for school attendance, times the per student  
18          payment provided for in section 15.1-27-04. Beginning July 1, 2002, the factor is  
19          that which represents the five-year average cost of education per student for this  
20          category, as determined by the superintendent of public instruction.

21          7. a. Each school district operating a kindergarten as provided for in section  
22               15.1-22-02 is entitled to receive the amount of money that results from  
23               multiplying the factor .50 adjusted for the first year of the biennium by  
24               eighty-five percent of the difference between .50 and the factor representing  
25               the five-year average cost of education per student for this category, as  
26               determined by the superintendent of public instruction, by the number of  
27               kindergarten students in average daily membership in the district, times the  
28               per student payment provided for in section 15.1-27-04. Beginning July 1,  
29               2002, the factor is that which represents the five-year average cost of  
30               education per student for this category, as determined by the superintendent  
31               of public instruction. The payment provided for in this subsection is

- 1 applicable only to the first twenty-five students in average daily membership  
2 per classroom or per teacher.
- 3 b. In order to receive the full per student payment available under this section, a  
4 district must operate a kindergarten program that provides the equivalent of  
5 ninety full days of classroom instruction during a twelve-month period. A  
6 district is entitled to a prorated payment under this section if it operates a  
7 kindergarten program of shorter duration.
- 8 8. Each school district that educates students who are also enrolled in nonpublic  
9 schools is entitled to receive proportionate payments under this section.
- 10 9. Each school district is entitled to receive as much in total payments for elementary  
11 students as it would have received if it had the highest number of students in the  
12 next lower category.
- 13 10. A school district is not entitled to any payments provided for by this chapter unless  
14 each teacher employed by the district:
- 15 a. Holds a teaching license issued by the education standards and practices  
16 board; or
- 17 b. Has been approved to teach by the education standards and practices board.