

1 A BILL for an Act to create and enact three new sections to chapter 15.1-37 of the North Dakota
2 Century Code, relating to prekindergarten programs; to amend and reenact section 15.1-37-01
3 of the North Dakota Century Code, relating to prekindergarten program approval; and to provide
4 an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-37-01. Early childhood education program - Approval.**

- 9 1. Any person or school district operating an early childhood education program may
10 request approval of the program from the superintendent of public instruction. The
11 superintendent shall approve an early childhood education program if the program:
- 12 ~~4.~~ a. Is taught by individuals who are licensed to teach in early childhood education
13 by the education standards and practices board;
 - 14 ~~2.~~ b. Follows a developmentally appropriate curriculum; and
 - 15 ~~3.~~ c. Is in compliance with all municipal and state health, fire, and safety
16 requirements.

17 ~~Per student funding will not be provided to individuals or school districts offering a~~
18 ~~prekindergarten program.~~

- 19 2. For purposes of this section, "early childhood education program" includes a
20 prekindergarten program established under section 2 of this Act.

21 **SECTION 2.** A new section to chapter 15.1-37 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Prekindergarten program - Authority.** The board of a school district may establish a
24 prekindergarten program. The program must be available to students who are at least four

1 years old by midnight, August thirty-first of the year of enrollment, but who are not enrolled in a
2 public school kindergarten program. The enrollment of a student in a prekindergarten program
3 is voluntary.

4 **SECTION 3.** A new section to chapter 15.1-37 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Prekindergarten program - Facilities.** A prekindergarten program established under
7 section 2 of this Act may be located in a public school building, if space is available, or in any
8 other setting that meets local and state health, fire, and safety laws.

9 **SECTION 4.** A new section to chapter 15.1-37 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Prekindergarten program - Financial support.** The board of a school district may
12 provide financial support for a prekindergarten program by:

- 13 1. Receiving and expending state or federal moneys specifically appropriated for the
14 support of a prekindergarten program;
- 15 2. Receiving and expending any gifts, grants, and donations, unless their use for this
16 purpose is otherwise limited; and
- 17 3. Expending state aid dollars received by the district for the support of students
18 attending school in the district, provided that, during a school year, the expenditure
19 permitted by this subsection does not exceed an amount equal to one thousand
20 dollars multiplied by the number of full-time equivalent students enrolled in the
21 prekindergarten program.

22 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the
23 general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much
24 of the sum as may be necessary, to the superintendent of public instruction for the purpose of
25 providing up to ten grants, each in an amount not exceeding \$50,000, to eligible school districts
26 that offer prekindergarten programs, for the biennium beginning July 1, 2009, and ending
27 June 30, 2011.

- 28 1. In awarding grants under this section, the superintendent of public instruction shall:
 - 29 a. Give preference to eligible school districts that are offering prekindergarten
30 programs for the first time or significantly expanding existing programs; and

Sixty-first
Legislative Assembly

- 1 b. Attempt to balance the grants equitably among large and small eligible school
- 2 districts and among urban and rural eligible school districts.
- 3 2. For purposes of this section, an "eligible school district" is one that:
- 4 a. Offers a full-day or a half-day prekindergarten program, approved by the
- 5 superintendent of public instruction under section 14.1-37-01;
- 6 b. Does not limit the prekindergarten program to at-risk students;
- 7 c. Does not require that parents pay a fee or other charge as a condition of
- 8 enrollment or participation in the prekindergarten program; and
- 9 d. Supports the prekindergarten program in an amount at least equal to that
- 10 received as a grant under this section.