

Sixty-second  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2150

Introduced by

Senators Flakoll, Holmberg, O'Connell

Representatives R. Kelsch, Hawken, Delmore

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-09.1, four new sections to~~  
 2 ~~chapter 15.1-18.2, and two new sections to chapter 15.1-21 of the North Dakota Century Code,~~  
 3 ~~relating to regional education associations, the professional development advisory committee,~~  
 4 ~~and North Dakota scholarships; to amend and reenact sections 15.1-07-33, 15.1-09-58,~~  
 5 ~~15.1-09.1-02, 15.1-20-01, 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08,~~  
 6 ~~15.1-21-18, 15.1-21-19, 15.1-22-01, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11,~~  
 7 ~~15.1-27-35.3, and 15.1-37-01 of the North Dakota Century Code, relating to technology,~~  
 8 ~~regional education associations, curriculum requirements, assessments, scholarships, student~~  
 9 ~~consultations, compulsory attendance, age of admission, and state aid; to repeal section~~  
 10 ~~15.1-27-15 of the North Dakota Century Code, relating to isolated schools; to provide a~~  
 11 ~~continuing appropriation; to provide for compensation increases, transition payments,~~  
 12 ~~contingent payments, and the distribution of transportation grants; to provide for a legislative~~  
 13 ~~management study and reports; and to provide an effective date.~~  
 14 a new section to chapter 6-09, a new section to chapter 15.1-09.1, four new sections to chapter  
 15 15.1-18.2, two new sections to chapter 15.1-21, and a new section to chapter 15.1-27 of the  
 16 North Dakota Century Code, relating to required transfers, regional education associations, the  
 17 professional development advisory committee, North Dakota scholarships, and state aid; to  
 18 amend and reenact sections 15.1-07-33, 15.1-09.1-02, 15.1-21-02.1, 15.1-21-02.4,  
 19 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08, 15.1-21-18, 15.1-21-19, 15.1-22-01, 15.1-22-02,  
 20 15.1-27-03, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-23, 15.1-27-35.3,  
 21 15.1-36-02, and 15.1-37-01, subsection 1 of section 15.1-37-02, and section 15.1-37-03 of the  
 22 North Dakota Century Code, relating to technology, regional education associations, curriculum  
 23 requirements, assessments, scholarships, kindergartens, student consultations, state aid,  
 24 school construction funding, and early childhood education, care, and services; to repeal  
 25 section 5 of this Act and sections 15.1-18.2-01, 15.1-18.2-02, 15.1-18.2-03, and 15.1-27-15 of

1 the North Dakota Century Code, relating to professional development and isolated schools; to  
2 provide an appropriation; to provide for compensation increases, transition payments, and the  
3 distribution of transportation grants, alternative middle school grants, and rapid enrollment  
4 growth grants; to provide for legislative management studies and reports; to provide an effective  
5 date; to provide an expiration date; and to declare an emergency.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is~~  
8 ~~amended and reenacted as follows:~~

9 ~~— **15.1-07-33. Student information system -- Statewide coordination -- Financial support --**~~  
10 ~~**Exemption.**~~

11 ~~— 1. Notwithstanding any other technology requirements imposed by the superintendent of~~  
12 ~~public instruction, the information technology department, or the North Dakota~~  
13 ~~educational technology council, each school district shall acquire PowerSchool~~  
14 ~~through the information technology department and use it as its principal student~~  
15 ~~information system.~~

16 ~~— 2. The superintendent of public instruction shall forward that portion of a school district's~~  
17 ~~state aid which is payable by the superintendent under subdivision n of subsection 1 of~~  
18 ~~section 15.1-27-03.1 directly to the information technology department to reimburse~~  
19 ~~the department for the cost of the school district's acquisition, implementation, or~~  
20 ~~utilization of PowerSchool and any related technology support services. The~~  
21 ~~superintendent shall forward the amount payable under this subsection at the same~~  
22 ~~time and in the same manner as provided for other state aid payments under section~~  
23 ~~15.1-27-01.~~

24 ~~— 3. If the portion of a school district's state aid forwarded to the information technology~~  
25 ~~department under subsection 2 exceeds the cost incurred by the information~~  
26 ~~technology department in providing for the school district's acquisition,~~  
27 ~~implementation, or utilization of PowerSchool and any related technology support~~  
28 ~~services, the information technology department shall return the excess moneys to the~~  
29 ~~superintendent of public instruction for redistribution to the school district as per~~  
30 ~~student payments.~~

1 ~~4. The superintendent of public instruction may exempt a school district from having to~~  
2 ~~acquire and utilize PowerSchool if the school district demonstrates that, in accordance~~  
3 ~~with requirements of the bureau of Indian education, the district has acquired and is~~  
4 ~~utilizing a student information system that is determined to be comparable by the~~  
5 ~~superintendent.~~

6 ~~**SECTION 2. AMENDMENT.** Section 15.1-09-58 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~**15.1-09-58. Prekindergarten program**~~~~**Early childhood education -- Authorization --**~~  
9 ~~**Support.**~~

10 ~~1. The board of a school district may establish a prekindergarten~~~~an early childhood~~  
11 ~~education program and may receive and expend any state~~~~support that program with:~~

12 ~~a. Local tax revenues, other than those necessary to support the district's~~  
13 ~~kindergarten program and the provision of elementary and high school~~  
14 ~~educational services;~~

15 ~~b. State moneys specifically appropriated for the program, any federal;~~

16 ~~c. Federal funds specifically appropriated or approved for the program, and any~~  
17 ~~gifts,; and~~

18 ~~d. Gifts, grants, and donations specifically given for the program.~~

19 ~~2. For purposes of this section, state moneys specifically appropriated for an early~~  
20 ~~childhood program are separate and distinct from those appropriated for special~~  
21 ~~education early childhood programs, school readiness and parent education~~  
22 ~~programs, and state aid for elementary and secondary education.~~

23 ~~**SECTION 3. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code is~~  
24 ~~amended and reenacted as follows:~~

25 ~~**15.1-09.1-02. Regional education association -- Joint powers agreement -- Review by**~~  
26 ~~**superintendent of public instruction -- Criteria.**~~

27 ~~Before~~~~In order for a group of school districts may~~~~to be designated as a regional education~~  
28 ~~association, the superintendent of public instruction shall review the joint powers agreement~~  
29 ~~that the districts have entered and verify that: the requirements of this section have been met.~~

30 ~~1. The school districts must:~~

- 1 ~~\_\_\_\_\_ a. Have a combined total land mass of at least five thousand eight hundred square-~~  
2 ~~\_\_\_\_\_ miles [1502193 hectares];~~
- 3 ~~\_\_\_\_\_ b. (1) Have a combined total land mass of at least four thousand five hundred-~~  
4 ~~\_\_\_\_\_ square miles [1165494 hectares]; and~~
- 5 ~~\_\_\_\_\_ (2) Number at least twelve;~~
- 6 ~~\_\_\_\_\_ c. (1) Have a combined total land mass of at least four thousand square miles-~~  
7 ~~\_\_\_\_\_ [1035995 hectares]; and~~
- 8 ~~\_\_\_\_\_ (2) Have at least three thousand students in average daily membership; or~~
- 9 ~~\_\_\_\_\_ d. (1) Have a combined total land mass of at least one thousand five hundred-~~  
10 ~~\_\_\_\_\_ square miles [388498 hectares]; and~~
- 11 ~~\_\_\_\_\_ (2) Have at least seven thousand five hundred students in average daily-~~  
12 ~~\_\_\_\_\_ membership.~~
- 13 ~~\_\_\_\_\_ 2. The school districts are must be contiguous to each other or, if the districts are not~~  
14 ~~\_\_\_\_\_ contiguous to each other, the superintendent of public instruction shall verify that the~~  
15 ~~\_\_\_\_\_ participating districts can provide sound educational opportunities to their students in a~~  
16 ~~\_\_\_\_\_ fiscally responsible manner without injuring other school districts or regional education~~  
17 ~~\_\_\_\_\_ associations and without negatively impacting the ability of other school districts or~~  
18 ~~\_\_\_\_\_ regional education associations to provide sound educational opportunities to their~~  
19 ~~\_\_\_\_\_ students in a fiscally responsible manner. A decision by the superintendent of public~~  
20 ~~\_\_\_\_\_ instruction under this subsection may be appealed to the state board of public school~~  
21 ~~\_\_\_\_\_ education. A decision by the state board is final.~~
- 22 ~~\_\_\_\_\_ 3. The joint powers agreement requires must require that the participating school districts~~  
23 ~~\_\_\_\_\_ maintain a joint operating fund and share various administrative functions and student~~  
24 ~~\_\_\_\_\_ services in accordance with subsection 4.~~
- 25 ~~\_\_\_\_\_ 4. a. During the first two school years in which a regional education association is~~  
26 ~~\_\_\_\_\_ operational, each participating school district shall share in at least two~~  
27 ~~\_\_\_\_\_ administrative functions and two student services, selected by the district.~~
- 28 ~~\_\_\_\_\_ b. During the third and fourth school years in which a regional education association~~  
29 ~~\_\_\_\_\_ is operational, each participating school district shall share in at least three~~  
30 ~~\_\_\_\_\_ administrative functions and three student services, selected by the district.~~

1 ~~\_\_\_\_\_ c. During the fifth school year in which a regional education association is-~~  
2 ~~operational, and each year thereafter, each participating school district shall~~  
3 ~~share at least five administrative functions and five student services, selected by~~  
4 ~~the district.~~

5 ~~\_\_\_\_\_ d. For purposes of this subsection:~~

6 ~~\_\_\_\_\_ (1) "Administrative functions" means:~~

7 ~~\_\_\_\_\_ (a) Business management;~~

8 ~~\_\_\_\_\_ (b) Career and technical education services management;~~

9 ~~\_\_\_\_\_ (c) Curriculum mapping or development;~~

10 ~~\_\_\_\_\_ (d) Data analysis;~~

11 ~~\_\_\_\_\_ (e) Federal program support;~~

12 ~~\_\_\_\_\_ (f) Federal title program management;~~

13 ~~\_\_\_\_\_ (g) Grant writing;~~

14 ~~\_\_\_\_\_ (h) School improvement;~~

15 ~~\_\_\_\_\_ (i) School safety and environment management;~~

16 ~~\_\_\_\_\_ (j) Special education services management;~~

17 ~~\_\_\_\_\_ (k) Staff development;~~

18 ~~\_\_\_\_\_ (l) Staff retention and recruitment;~~

19 ~~\_\_\_\_\_ (m) Staff sharing;~~

20 ~~\_\_\_\_\_ (n) Technology support; and~~

21 ~~\_\_\_\_\_ (o) Any other functions approved by the superintendent of public-~~  
22 ~~instruction.~~

23 ~~\_\_\_\_\_ (2) "Student services" means:~~

24 ~~\_\_\_\_\_ (a) Advanced placement classes;~~

25 ~~\_\_\_\_\_ (b) Alternative high schools or alternative high school programs;~~

26 ~~\_\_\_\_\_ (c) Career and technical education classes;~~

27 ~~\_\_\_\_\_ (d) Counseling services;~~

28 ~~\_\_\_\_\_ (e) Common elementary curricula;~~

29 ~~\_\_\_\_\_ (f) Distance learning classes;~~

30 ~~\_\_\_\_\_ (g) Dual credit classes;~~

31 ~~\_\_\_\_\_ (h) Foreign language classes;~~

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- 1 ~~\_\_\_\_\_ (i) Library and media services;~~  
2 ~~\_\_\_\_\_ (j) Summer programs;~~  
3 ~~\_\_\_\_\_ (k) Supplemental instruction programs; and~~  
4 ~~\_\_\_\_\_ (l) Any other services approved by the superintendent of public~~  
5 ~~instruction.~~  
6 ~~\_\_\_\_\_ e. For purposes of this subsection, if a regional education association became~~  
7 ~~operational before July 1, 2005, the 2005-06 school year must be considered the~~  
8 ~~provider's first year of operation.~~  
9 ~~\_\_\_\_\_ 5. The joint powers agreement providesmust provide:~~  
10 ~~\_\_\_\_\_ a. Criteria for the future participation of school districts that were not parties to the~~  
11 ~~original joint powers agreement;~~  
12 ~~\_\_\_\_\_ b. An application process by which school districts that were not parties to the~~  
13 ~~original joint powers agreement can become participating districts; and~~  
14 ~~\_\_\_\_\_ c. A process by which school districts that were not parties to the original joint~~  
15 ~~powers agreement and whose application to participate in the agreement was~~  
16 ~~denied can appeal the decision to the superintendent of public instruction.~~  
17 ~~\_\_\_\_\_ 6.5. The joint powers agreement providesmust provide for the employment and~~  
18 ~~compensation of staff.~~  
19 ~~\_\_\_\_\_ 7.6. The joint powers agreement must:~~  
20 ~~\_\_\_\_\_ a. EstablishesEstablish the number of members on the governing board;~~  
21 ~~\_\_\_\_\_ b. EstablishesEstablish the manner in which members of the governing board are~~  
22 ~~determined;~~  
23 ~~\_\_\_\_\_ c. Requires all membersRequire that each member of the governing board or their~~  
24 ~~designees to be individualsbe an individual currently serving on the board of a~~  
25 ~~participating school district or the designee of a participating school district's~~  
26 ~~board; and~~  
27 ~~\_\_\_\_\_ d. AllowsAllow for the inclusion of ex officio nonvoting members on the governing~~  
28 ~~board.~~  
29 ~~\_\_\_\_\_ 8.7. The joint powers agreement providesmust provide that the board of the regional~~  
30 ~~education association shall meet at least quarterly.~~

1 ~~9.8.~~ The joint powers agreement does ~~may~~ not permit the regional education association to  
2 compensate members of the regional education association board for attending  
3 meetings of the board and does not permit the regional education association to  
4 reimburse members of the board for any expenses incurred in attending meetings of  
5 the board.

6 ~~SECTION 4.~~ A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
7 created and enacted as follows:

8 ~~**Regional education association – Services to be offered.**~~

9 ~~1.~~ In order to be eligible for state funding, a regional education association must offer the  
10 following services to its member districts:

11 ~~a.~~ Coordination and facilitation of professional development activities for teachers  
12 and administrators employed by its member districts;

13 ~~b.~~ Supplementation of technology support services;

14 ~~c.~~ Assistance with achieving school improvement goals identified by the  
15 superintendent of public instruction;

16 ~~d.~~ Assistance with the collection, analysis, and interpretation of student  
17 achievement data; and

18 ~~e.~~ Assistance with the expansion and enrichment of curricular offerings.

19 ~~2.~~ Subsection 1 does not preclude a regional education association from offering  
20 additional services to its member districts.

21 ~~SECTION 5.~~ A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
22 created and enacted as follows:

23 ~~**Professional development advisory committee – Compensation of members.**~~

24 ~~Each member of the professional development advisory committee, is entitled to receive~~  
25 ~~reimbursement for expenses as provided by law for state officers if the member is attending~~  
26 ~~meetings or performing duties directed by the committee.~~

27 ~~SECTION 6.~~ A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
28 created and enacted as follows:

29 ~~**Teacher support program – Establishment.**~~

30 ~~The education standards and practices board shall:~~

31 ~~1.~~ Establish and administer a teacher support program;

- 1 — ~~2. Employ an individual to serve as a teacher support program coordinator;~~  
2 — ~~3. a. Select and train experienced teachers who will serve as mentors for first-year~~  
3 ~~teachers and assist the first-year teachers with instructional skills development;~~  
4 ~~or~~  
5 ~~b. If a school district or other employing entity listed in section 8 of this Act is not in~~  
6 ~~need of mentors for its first-year teachers, select and train experienced teachers~~  
7 ~~who will work with school district administrators and administrators from the other~~  
8 ~~employing entities to identify the needs of the non-first-year teachers and help~~  
9 ~~the non-first-year teachers address their particular needs through the use of:~~  
10 ~~————— (1) Research-validated interventions; and~~  
11 ~~————— (2) Proven instructional methods.~~

12 — **SECTION 7.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
13 created and enacted as follows:

14 — **Teacher support program – Availability of services.**

15 — ~~The education standards and practices board may use any moneys it receives for the~~  
16 ~~teacher support program to provide staff compensation, training, evaluation, and stipends for~~  
17 ~~mentors and experienced teachers who assist first-year and non-first-year teachers participating~~  
18 ~~in the program, and to pay for any other administrative expenses resulting from the program;~~  
19 ~~provided, however, that the board may not expend more than five percent of the moneys for~~  
20 ~~administrative purposes.~~

21 — **SECTION 8.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
22 created and enacted as follows:

23 — **Teacher support program – Authorized service recipients.**

24 — ~~The education standards and practices board may provide support services to teachers~~  
25 ~~employed by:~~

- 26 — ~~1. School districts;~~  
27 — ~~2. Special education units;~~  
28 — ~~3. Area career and technology centers;~~  
29 — ~~4. Regional education associations; and~~  
30 — ~~5. Schools funded by the bureau of Indian education.~~



- 1       ~~\_\_\_\_\_ b. One unit of biology; and~~
- 2       ~~\_\_\_\_\_ c. (1) One unit of any other science; or~~
- 3       ~~\_\_\_\_\_ (2) Two one-half units of any other science;~~
- 4       ~~\_\_\_\_\_ 4. Three units of social studies, including:~~
- 5       ~~\_\_\_\_\_ a. One unit of United States history;~~
- 6       ~~\_\_\_\_\_ b. (1) One half unit of United States government and one half unit of economics;~~
- 7                 ~~\_\_\_\_\_ or~~
- 8       ~~\_\_\_\_\_ (2) One unit of problems of democracy; and~~
- 9       ~~\_\_\_\_\_ c. One unit or two one-half units of any other social studies, which may include-~~
- 10               ~~\_\_\_\_\_ civics, civilization, geography and history, multicultural studies, North Dakota-~~
- 11               ~~\_\_\_\_\_ studies, psychology, sociology, and world history;~~
- 12       ~~\_\_\_\_\_ 5. a. One unit of physical education; or~~
- 13       ~~\_\_\_\_\_ b. One half unit of physical education and one half unit of health;~~
- 14       ~~\_\_\_\_\_ 6. Three units of:~~
- 15       ~~\_\_\_\_\_ a. Foreign languages;~~
- 16       ~~\_\_\_\_\_ b. Native American languages;~~
- 17       ~~\_\_\_\_\_ c. Fine arts; or~~
- 18       ~~\_\_\_\_\_ d. Career and technical education courses; and~~
- 19       ~~\_\_\_\_\_ 7. Any five additional units.~~
- 20       ~~\_\_\_\_\_ 1. The twenty-two units of high school coursework set forth in section 8 of this Act; and~~
- 21       ~~\_\_\_\_\_ 2. Any additional units of high school coursework required by the issuing entity.~~
- 22       ~~\_\_\_\_\_ **SECTION 11.** A new section to chapter 15.1-21 of the North Dakota Century Code is-~~
- 23       ~~\_\_\_\_\_ created and enacted as follows:~~
- 24       ~~\_\_\_\_\_ **High school graduation – Minimum requirements.**~~
- 25       ~~\_\_\_\_\_ Except as provided in section 15.1-21-02.3, the following twenty-two units of high school-~~
- 26       ~~\_\_\_\_\_ coursework constitute the minimum requirement for high school graduation:~~
- 27       ~~\_\_\_\_\_ 1. Four units of English language arts from a sequence that includes literature,~~
- 28               ~~\_\_\_\_\_ composition, and speech;~~
- 29       ~~\_\_\_\_\_ 2. Three units of mathematics;~~
- 30       ~~\_\_\_\_\_ 3. Three units of science, including:~~
- 31       ~~\_\_\_\_\_ a. One unit of physical science;~~

- 1       ~~b. One unit of biology; and~~
- 2       ~~c. (1) One unit of any other science; or~~
- 3       ~~(2) Two one-half units of any other science;~~
- 4       ~~4. Three units of social studies, including:~~
- 5       ~~a. One unit of United States history;~~
- 6       ~~b. (1) One-half unit of United States government and one-half unit of economics;~~
- 7               ~~or~~
- 8       ~~(2) One unit of problems of democracy; and~~
- 9       ~~c. One unit or two one-half units of any other social studies, which may include~~
- 10       ~~civics, civilization, geography and history, multicultural studies, North Dakota~~
- 11       ~~studies, psychology, sociology, and world history;~~
- 12       ~~5. a. One unit of physical education; or~~
- 13       ~~b. One-half unit of physical education and one-half unit of health;~~
- 14       ~~6. Three units of:~~
- 15       ~~a. Foreign languages;~~
- 16       ~~b. Native American languages;~~
- 17       ~~c. Fine arts; or~~
- 18       ~~d. Career and technical education courses; and~~
- 19       ~~7. Any five additional units.~~
- 20       ~~**SECTION 12. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is~~
- 21       ~~amended and reenacted as follows:~~
- 22       ~~**15.1-21-02.4. North Dakota career and technical education scholarship.**~~
- 23       ~~Any resident student who graduates from a high school during or after the 2010-11 school~~
- 24       ~~year is eligible to receive a North Dakota career and technical education scholarship provided~~
- 25       ~~the student completes all requirements set forth in subsections 1 through 5 and subsection 7 of~~
- 26       ~~section 15.1-21-02.1 for a high school diploma and:~~
- 27       ~~1. Completed four units of English language arts from a sequence that includes literature,~~
- 28       ~~composition, and speech;~~
- 29       ~~2. Completed three units of mathematics, including:~~

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- 1 ~~\_\_\_\_\_ a. Completes one~~ One unit of algebra II, as defined by the superintendent of public-  
2 instruction, in fulfillment of the mathematics requirement set forth in subsection 2-  
3 of section 15.1-21-02.1; and
- 4 ~~\_\_\_\_\_ b. Completes two~~ Two units of any other mathematics;
- 5 ~~\_\_\_\_\_ 3. Completed three units of science, including:~~
- 6 ~~\_\_\_\_\_ a. One unit of physical science;~~
- 7 ~~\_\_\_\_\_ b. One unit of biology; and~~
- 8 ~~\_\_\_\_\_ c. (1) One unit of any other science; or~~
- 9 ~~\_\_\_\_\_ (2) Two one-half units of any other science;~~
- 10 ~~\_\_\_\_\_ 4. Completed three units of social studies, including:~~
- 11 ~~\_\_\_\_\_ a. One unit of United States history;~~
- 12 ~~\_\_\_\_\_ b. (1) One-half unit of United States government and one-half unit of economics;-~~
- 13 ~~\_\_\_\_\_ or~~
- 14 ~~\_\_\_\_\_ (2) One unit of problems of democracy; and~~
- 15 ~~\_\_\_\_\_ c. One unit or two one-half units of any other social studies, which may include-~~
- 16 ~~\_\_\_\_\_ civics, civilization, geography and history, multicultural studies, North Dakota-~~
- 17 ~~\_\_\_\_\_ studies, psychology, sociology, and world history;~~
- 18 ~~\_\_\_\_\_ 5. a. Completed one unit of physical education; or~~
- 19 ~~\_\_\_\_\_ b. One-half unit of physical education and one-half unit of health;~~
- 20 ~~\_\_\_\_\_ 6. Completed:~~
- 21 ~~\_\_\_\_\_ a. One unit selected from:~~
- 22 ~~\_\_\_\_\_ (1) Foreign languages;~~
- 23 ~~\_\_\_\_\_ (2) Native American languages;~~
- 24 ~~\_\_\_\_\_ (3) American sign language;~~
- 25 ~~\_\_\_\_\_ (4) Fine arts; or~~
- 26 ~~\_\_\_\_\_ (5) Career and technical education courses; and-~~
- 27 ~~\_\_\_\_\_ b. Two units of a coordinated plan of study recommended by the department of-~~
- 28 ~~\_\_\_\_\_ career and technical education and approved by the superintendent of public-~~
- 29 ~~\_\_\_\_\_ instruction; and~~
- 30 ~~\_\_\_\_\_ c. 7. Completes three~~ Completed any five additional units, two of which must be in the area-  
31 of career and technical education;

- 1 — ~~2. — Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
- 2 — ~~3.8. a. (1) — Obtains~~Obtained~~ a cumulative grade point average of at least "B"~~3.0 on a~~~~
- 3 ~~4.0 grading scale, as determined by the superintendent of public instruction,~~
- 4 ~~based on all high school units in which the student was enrolled; and~~
- 5 — ~~(2) — Obtained a grade of at least "C" in each unit or one-half unit; or~~
- 6 — ~~b. (1) — Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading~~
- 7 ~~scale, as determined by the superintendent of public instruction, based only~~
- 8 ~~on the units required by subsections 1 through 7 of this section; and~~
- 9 — ~~(2) — Obtained a grade of at least "C" in each unit or one-half unit; and~~
- 10 — ~~4.9. — Receives~~Received~~:~~
- 11 — ~~a. — A composite score of at least twenty-four on an ACT; or~~
- 12 — ~~b. — A score of at least five on each of three WorkKeys assessments recommended~~
- 13 ~~by the department of career and technical education and approved by the~~
- 14 ~~superintendent of public instruction.~~
- 15 — **SECTION 13. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is
- 16 ~~amended and reenacted as follows:~~
- 17 — **15.1-21-02.5. North Dakota academic scholarship.**
- 18 — ~~Any resident student who graduates from a high school during or after the 2010-11 school~~
- 19 ~~year is eligible to receive a North Dakota academic scholarship provided the student completes~~
- 20 ~~all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1~~
- 21 ~~for a high school diploma and:~~
- 22 — ~~1. — Completed four units of English language arts from a sequence that includes literature,~~
- 23 ~~composition, and speech;~~
- 24 — ~~2. — Completed three units of mathematics, including:~~
- 25 — ~~a. — Completes one~~One~~ unit of algebra II, as defined by the superintendent of public~~
- 26 ~~instruction, in fulfillment of the mathematics requirement set forth in subsection 2-~~
- 27 ~~of section 15.1-21-02.1; and~~
- 28 — ~~b. — Completes one~~One~~ additional unit of mathematics for which algebra II, as defined~~
- 29 ~~by the superintendent of public instruction, is a prerequisite; and~~
- 30 — ~~c.3. — Completes~~Completed~~ three units of science, including:~~
- 31 — ~~a. — One unit of physical science;~~

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- 1 ~~\_\_\_\_\_ b. One unit of biology; and~~
- 2 ~~\_\_\_\_\_ c. (1) One unit of any other science; or~~
- 3 ~~\_\_\_\_\_ (2) Two one-half units of any other science;~~
- 4 ~~\_\_\_\_\_ 4. Completed three units of social studies, including:~~
- 5 ~~\_\_\_\_\_ a. One unit of United States history;~~
- 6 ~~\_\_\_\_\_ b. (1) One half unit of United States government and one half unit of economics;~~
- 7 ~~\_\_\_\_\_ or~~
- 8 ~~\_\_\_\_\_ (2) One unit of problems of democracy; and~~
- 9 ~~\_\_\_\_\_ c. One unit or two one-half units of any other social studies, which may include~~
- 10 ~~\_\_\_\_\_ civics, civilization, geography and history, multicultural studies, North Dakota~~
- 11 ~~\_\_\_\_\_ studies, psychology, sociology, and world history;~~
- 12 ~~\_\_\_\_\_ 5. a. Completed one unit of physical education; or~~
- 13 ~~\_\_\_\_\_ b. One half unit of physical education and one half unit of health;~~
- 14 ~~\_\_\_\_\_ 6. a. Completed:~~
- 15 ~~\_\_\_\_\_ (1) Two units of the same foreign or native American language;~~
- 16 ~~\_\_\_\_\_ (2) One unit of fine arts or career and technical education American sign~~
- 17 ~~\_\_\_\_\_ language; and~~
- 18 ~~\_\_\_\_\_ (3) b. One unit of a foreign or native selected from:~~
- 19 ~~\_\_\_\_\_ (1) Foreign languages;~~
- 20 ~~\_\_\_\_\_ (2) Native American language, fine languages;~~
- 21 ~~\_\_\_\_\_ (3) American sign language;~~
- 22 ~~\_\_\_\_\_ (4) Fine arts, or career; or~~
- 23 ~~\_\_\_\_\_ (5) Career and technical education;~~
- 24 ~~\_\_\_\_\_ 2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
- 25 ~~\_\_\_\_\_ 3.7. Obtains Completed any five additional units, one of which must be in the area of fine~~
- 26 ~~\_\_\_\_\_ arts or career and technical education;~~
- 27 ~~\_\_\_\_\_ 8. a. (1) Obtained a cumulative grade point average of at least "B" 3.0 on a 4.0-~~
- 28 ~~\_\_\_\_\_ grading scale, as determined by the superintendent of public instruction,~~
- 29 ~~\_\_\_\_\_ based on all high school units in which the student was enrolled; and~~
- 30 ~~\_\_\_\_\_ (2) Obtained a grade of at least "C" in each unit or one-half unit; or~~

1 ~~\_\_\_\_\_ b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading-~~  
2 ~~\_\_\_\_\_ scale, as determined by the superintendent of public instruction, based only~~  
3 ~~\_\_\_\_\_ on the units required by subsections 1 through 7 of this section; and~~

4 ~~\_\_\_\_\_ (2) Obtained a grade of at least "C" in each unit or one-half unit;~~

5 ~~\_\_\_\_\_ 4.9. ReceivesReceived a composite score of at least twenty-four on an ACT; and~~

6 ~~\_\_\_\_\_ 5.10. a. CompletesFulfilled any one unit requirement set forth in subsections 1 through 7-~~  
7 ~~\_\_\_\_\_ of this section by means of an advanced placement course and examination; or~~

8 ~~\_\_\_\_\_ b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 of this~~  
9 ~~\_\_\_\_\_ section by means of a dual-credit course.~~

10 ~~\_\_\_\_\_ SECTION 14. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is~~  
11 ~~\_\_\_\_\_ amended and reenacted as follows:~~

12 ~~\_\_\_\_\_ 15.1-21-02.6. North Dakota scholarship -- Amount -- Applicability.~~

13 ~~\_\_\_\_\_ 1. The state board of higher education shall provide to any student certified as being~~  
14 ~~\_\_\_\_\_ eligible by the superintendent of public instruction either a North Dakota academic~~  
15 ~~\_\_\_\_\_ scholarship or a North Dakota career and technical education scholarship in the~~  
16 ~~\_\_\_\_\_ amount of seven hundred fifty dollars for each semester during which the student is~~  
17 ~~\_\_\_\_\_ enrolled full time at an accredited institution of higher education in this state and~~  
18 ~~\_\_\_\_\_ maintains a cumulative grade point average of 2.75. If a student is determined by the~~  
19 ~~\_\_\_\_\_ superintendent of public instruction to have met the requirements for a North Dakota~~  
20 ~~\_\_\_\_\_ career and technical education scholarship or a North Dakota academic scholarship,~~  
21 ~~\_\_\_\_\_ the student is eligible to receive:~~

22 ~~\_\_\_\_\_ a. At the beginning of the student's first year of higher education, a scholarship in~~  
23 ~~\_\_\_\_\_ the amount of one thousand five hundred dollars, provided the student is enrolled~~  
24 ~~\_\_\_\_\_ full time at an accredited institution of higher education in this state; and~~

25 ~~\_\_\_\_\_ b. At the beginning of the semester marking the student's second year of higher~~  
26 ~~\_\_\_\_\_ education and each semester thereafter, a scholarship in the amount of seven~~  
27 ~~\_\_\_\_\_ hundred fifty dollars, provided that during the immediately preceding semester~~  
28 ~~\_\_\_\_\_ the student:~~

29 ~~\_\_\_\_\_ (1) Maintained a cumulative grade point average of 2.75; and~~

30 ~~\_\_\_\_\_ (2) Maintained enrollment, throughout the semester, in a minimum of fifteen-~~  
31 ~~\_\_\_\_\_ units.~~

1 ~~2. If at the conclusion of the first semester of the student's first year the state board of~~  
2 ~~higher education determines that the student was unable to maintain a grade point~~  
3 ~~average of 2.75, the board shall forward a letter of warning to the student and~~  
4 ~~articulate the consequences with respect to the student's continued eligibility for a~~  
5 ~~scholarship.~~

6 ~~3. If at the conclusion of the student's first year, or any semester thereafter, a student has~~  
7 ~~failed to meet the requirements for a scholarship, as set forth in subdivision b of~~  
8 ~~subsection 1, the student, at the conclusion of the ensuing semester, may apply to the~~  
9 ~~state board of higher education for reinstatement of the scholarship, provided the~~  
10 ~~student can demonstrate compliance with the requirements of subdivision b of~~  
11 ~~subsection 1. However, if a student fails to meet the requirements of subdivision b of~~  
12 ~~subsection 1 for a second time, that student may not receive any additional~~  
13 ~~scholarships under this section.~~

14 ~~2.4. A student is not entitled to receive more than six thousand dollars in scholarships~~  
15 ~~under this section.~~

16 ~~3.5. The state board of higher education shall forward the scholarship all scholarships~~  
17 ~~under this section directly to the institution in at which the student is enrolled.~~

18 ~~4.6. This section does not require a student to be enrolled in consecutive semesters.~~  
19 ~~However, a scholarship under this section is valid only for six academic years after the~~  
20 ~~student's graduation from high school and may not be applied to graduate programs.~~

21 ~~5.7. A scholarship under this section is available to any eligible student who graduates~~  
22 ~~from a high school in this state or from a high school in a bordering state under~~  
23 ~~chapter 15.1-29.~~

24 ~~8. The state board of higher education shall monitor each scholarship recipient to ensure~~  
25 ~~that the student meets the academic and other requirements of this section. Upon~~  
26 ~~determining that a recipient student has failed to meet the requirements of this section,~~  
27 ~~the board shall provide notification to the student within five days.~~

28 ~~**SECTION 15.** A new section to chapter 15.1-21 of the North Dakota Century Code is~~  
29 ~~created and enacted as follows:~~

1 ~~— **North Dakota scholarship fund – Biannual transfer – Continuing appropriation.**~~

2 ~~— 1. Once each semester, the state board of higher education shall certify to the state~~  
3 ~~treasurer the amount necessary to provide the North Dakota academic scholarships~~  
4 ~~and the North Dakota career and technical education scholarships, as set forth in~~  
5 ~~sections 15.1-21-02.4 and 15.1-21-02.5.~~

6 ~~— 2. Upon receiving the certification, the state treasurer shall transfer the certified amount~~  
7 ~~from the interest and other income of the lands and minerals trust fund to the North~~  
8 ~~Dakota scholarship fund.~~

9 ~~— 3. All moneys in the North Dakota scholarship fund are appropriated on a continuing~~  
10 ~~basis to the state board of higher education for the exclusive purpose of providing~~  
11 ~~North Dakota academic scholarships and North Dakota career and technical education~~  
12 ~~scholarships.~~

13 ~~— **SECTION 16. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is~~  
14 ~~amended and reenacted as follows:~~

15 ~~— **15.1-21-08. Reading, mathematics, and science – Administration of test.**~~

16 ~~— 1. The superintendent of public instruction shall administer to public school students a~~  
17 ~~test that is aligned to the state content and achievement standards in reading and~~  
18 ~~mathematics. This test must be administered to all public school students in at least~~  
19 ~~one grade level selected within each of the following grade spans: grades three~~  
20 ~~through five; grades six through nine; and grades ten through twelve. Beginning no~~  
21 ~~later than the 2005-06 school year and annually thereafter, the superintendent of~~  
22 ~~public instruction shall administer the reading and mathematics test annually to all~~  
23 ~~public school students in grades three, four, five, six, seven, eight, and eleven.~~

24 ~~— 2. Beginning no later than the 2007-08 school year and annually thereafter, the~~  
25 ~~superintendent of public instruction shall administer a test that is aligned to the state~~  
26 ~~content and achievement standards in science. This test must be administered to all~~  
27 ~~public school students in at least one grade level selected from three through five; in at~~  
28 ~~least one grade level selected from six through nine; and in grade eleven. The~~  
29 ~~superintendent of public instruction may not administer the grade eleven test after~~  
30 ~~December first of each school year.~~

1 — **SECTION 17. AMENDMENT.** Section 15.1-21-18 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3 — **~~15.1-21-18. Career interest inventory – Educational and career planning –~~**  
4 **Consultation.**

5 — ~~1.~~ A school district shall administer to students, once during their enrollment in grade  
6 seven or eight and once during their enrollment in grade nine or ten, a career interest  
7 inventory recommended by the department of career and technical education and  
8 approved by the superintendent of public instruction.

9 — ~~2.~~ At least once during the seventh or eighth grade, each school district shall arrange for  
10 students to participate in either an individual consultative process or a nine-week  
11 course, for the purpose of discussing the results of their career interest inventory,  
12 selecting high school courses appropriate to their educational pursuits and career  
13 interests, and developing individual high school education plans.

14 — ~~3.~~ Each school district shall notify its high school students that, upon request, a student is  
15 entitled to receive a consultative review of the student's individual high school  
16 education plan at least once during each high school grade. Upon the request of a  
17 student, the school district shall provide the consultative review.

18 — ~~4.~~ Each school district shall verify compliance with the requirements of this section at the  
19 time and in the manner required by the superintendent of public instruction.

20 — **SECTION 18. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 — **~~15.1-21-19. Summative assessment – Selection – Cost – Exemptions.~~**

23 — ~~1.~~ Except as otherwise provided, each public and nonpublic school student in grade  
24 eleven shall take the ACT, including the writing test, or three WorkKeys assessments,  
25 including the writing test, recommended by the department of career and technical  
26 education and approved by the superintendent of public instruction. The student shall  
27 determine which summative assessment to take. The student's school district of  
28 residence superintendent of public instruction is responsible for the cost of procuring  
29 and administering one summative assessment and its administration per student.

30 — ~~2.~~ The student's career advisor or guidance counselor shall meet with the student to  
31 review the student's assessment results.

1 ~~3. A school district superintendent or a school administrator in the case of a nonpublic~~  
2 ~~school student may exempt a student from the requirements of this section if taking~~  
3 ~~the test is not required by the student's individualized education program plan or if~~  
4 ~~other special circumstances exist.~~

5 ~~4. If the superintendent of public instruction determines that the cost of the summative~~  
6 ~~assessment and its administration can be reduced through use of a state procurement~~  
7 ~~process, the superintendent shall work with the school districts to procure and arrange~~  
8 ~~for the administration of the assessment and shall withhold each district's share of the~~  
9 ~~total cost from any state aid otherwise payable to the district. At the time and in the~~  
10 ~~manner determined by the superintendent of public instruction, each school district~~  
11 ~~superintendent and each school administrator in the case of a nonpublic school shall~~  
12 ~~report the number of eleventh grade students who:~~

13 ~~a. Took the ACT, including the writing test;~~

14 ~~b. Took the three WorkKeys assessments; and~~

15 ~~c. Were exempted from the requirements of this section, together with the reason~~  
16 ~~for each exemption.~~

17 ~~**SECTION 19. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is~~  
18 ~~amended and reenacted as follows:~~

19 ~~**15.1-22-01. Kindergarten - Establishment by board - Request by parent - Levy.**~~

20 ~~1. Upon its own motion, the The board of a school district may shall establish a free public~~  
21 ~~kindergarten.~~

22 ~~2. If the board receives a written request to provide kindergarten from the parent of a~~  
23 ~~student who will be enrolled in the kindergarten, the The board shall either provide at~~  
24 ~~least a half-day kindergarten program for the student any student enrolled in the district~~  
25 ~~or pay the tuition required for the student to attend at least a half-day kindergarten~~  
26 ~~program in another school district.~~

27 ~~3. The board of a school district that establishes a kindergarten under this section may~~  
28 ~~levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2.~~

29 ~~**SECTION 20. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is~~  
30 ~~amended and reenacted as follows:~~

~~15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership--~~

~~Determination:~~

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

~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;~~

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

~~c. 0.60 the number of full-time equivalent students enrolled in a summer education program;~~

~~d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;~~

~~e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;~~

~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;~~

~~g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;~~

~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;~~

~~i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;~~

~~j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;~~

~~k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;~~

~~l. 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services;~~

- 1 ~~\_\_\_\_\_ m. 0.07 the number of full-time equivalent students who on a test of English-~~  
2 ~~language proficiency approved by the superintendent of public instruction are-~~  
3 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~  
4 ~~for English language learners;~~
- 5 ~~\_\_\_\_\_ n. 0.004 the number of students enrolled in average daily membership in a school-~~  
6 ~~district that is a participating member of a regional education association meeting-~~  
7 ~~the requirements of chapter 15.1-09.1; and~~
- 8 ~~\_\_\_\_\_ o. 0.002 the number of students enrolled in average daily membership, in order to-~~  
9 ~~support technology.~~
- 10 ~~\_\_\_\_\_ 2. The superintendent of public instruction shall determine each school district's weighted-~~  
11 ~~average daily membership by adding the products derived under subsection 1 to the-~~  
12 ~~district's average daily membership.~~
- 13 ~~\_\_\_\_\_ **(Effective after June 30, 2011) Weighted average daily membership -- Determination.**~~
- 14 ~~\_\_\_\_\_ 1. For each school district, the superintendent of public instruction shall multiply by:~~
- 15 ~~\_\_\_\_\_ a. 1.00 the number of full-time equivalent students enrolled in a migrant summer-~~  
16 ~~program;~~
- 17 ~~\_\_\_\_\_ b. 1.00 the number of full-time equivalent students enrolled in an extended-~~  
18 ~~educational program in accordance with section 15.1-32-17;~~
- 19 ~~\_\_\_\_\_ c. 0.60 the number of full-time equivalent students enrolled in a summer education-~~  
20 ~~program;~~
- 21 ~~\_\_\_\_\_ d. 0.50 the number of full-time equivalent students enrolled in a home-based-~~  
22 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 23 ~~\_\_\_\_\_ e. 0.30 the number of full-time equivalent students who on:~~
- 24 ~~\_\_\_\_\_ (1) On a test of English language proficiency approved by the superintendent of~~  
25 ~~public instruction are determined to be least proficient and placed in the first-~~  
26 ~~of six categories of proficiency; and are~~
- 27 ~~\_\_\_\_\_ (2) Are enrolled in a program of instruction for English language learners;~~
- 28 ~~\_\_\_\_\_ f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~  
29 ~~school;~~
- 30 ~~\_\_\_\_\_ g. 0.25 the number of full-time equivalent students enrolled in an isolated-~~  
31 ~~elementary school;~~

- 1 ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high-~~  
2 ~~school;~~
- 3 ~~i. 0.20 the number of full-time equivalent students attending school in a bordering-~~  
4 ~~state in accordance with section 15.1-29-01;~~
- 5 ~~j.h. 0.20 the number of full-time equivalent students who on:~~  
6 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
7 ~~public instruction are determined to be not more proficient than students~~  
8 ~~placed in the first of six categories of proficiency and therefore placed in the~~  
9 ~~second of six categories of proficiency; and are~~  
10 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 11 ~~k.i. 0.17 the number of full-time equivalent students enrolled in an early childhood-~~  
12 ~~special education program;~~
- 13 ~~l.j. 0.070.10 the number of students enrolled in average daily membership, if the-~~  
14 ~~district has fewer than one hundred students enrolled in average daily-~~  
15 ~~membership and the district consists of an area greater than two hundred~~  
16 ~~seventy-five square miles [19424.9 hectares], provided that any school district~~  
17 ~~consisting of an area greater than six hundred square miles [155399 hectares]~~  
18 ~~and enrolling fewer than fifty students in average daily membership must be~~  
19 ~~deemed to have an enrollment equal to fifty students in average daily-~~  
20 ~~membership;~~
- 21 ~~k. 0.073 the number of students enrolled in average daily membership, in order to-~~  
22 ~~support the provision of special education services;~~
- 23 ~~m.l. 0.07 the number of full-time equivalent students who on:~~  
24 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
25 ~~public instruction are determined to be somewhat more proficient and~~  
26 ~~are than students placed in the second of six categories of proficiency and~~  
27 ~~therefore placed in the third of six categories of proficiency;~~  
28 ~~(2) Are enrolled in a program of instruction for English language learners; and~~  
29 ~~(3) Have not been in the third of six categories of proficiency for more than~~  
30 ~~three years;~~

1 ~~n.m.~~ 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 ~~n.~~ 0.006 the number of students enrolled in average daily membership in each  
7 public school in the district that:

8 ~~(1) Has acquired and is utilizing the PowerSchool student information system;~~

9 ~~(2) Has acquired and is in the process of implementing the PowerSchool~~  
10 ~~student information system; or~~

11 ~~(3) Will acquire the PowerSchool student information system during the current~~  
12 ~~school year, provided the acquisition is contractually demonstrated; and~~

13 ~~o.~~ 0.004 the number of students enrolled in average daily membership in a school  
14 district that is a participating member of a regional education association meeting  
15 the requirements of chapter 15.1-09.1; and

16 ~~p.~~ 0.002 the number of students enrolled in average daily membership, in order to  
17 support technology.

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 21. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is~~  
22 ~~amended and reenacted as follows:~~

23 ~~**15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership**~~  
24 ~~**Determination.**~~

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

26 ~~a.~~ 1.00 the number of full-time equivalent students enrolled in a migrant summer  
27 program;

28 ~~b.~~ 1.00 the number of full-time equivalent students enrolled in an extended  
29 educational program in accordance with section 15.1-32-17;

30 ~~c.~~ 0.60 the number of full-time equivalent students enrolled in a summer education  
31 program;

- 1 ~~————— d. — 0.50 the number of full-time equivalent students enrolled in a home-based~~  
2 ~~education program and monitored by the school district under chapter 15.1-23;~~  
3 ~~————— e. — 0.30 the number of full-time equivalent students who on a test of English-~~  
4 ~~language proficiency approved by the superintendent of public instruction are~~  
5 ~~determined to be least proficient and are enrolled in a program of instruction for~~  
6 ~~English language learners;~~  
7 ~~————— f. — 0.25 the number of full-time equivalent students enrolled in an alternative high-~~  
8 ~~school;~~  
9 ~~————— g. — 0.25 the number of full-time equivalent students enrolled in an isolated-~~  
10 ~~elementary school;~~  
11 ~~————— h. — 0.25 the number of full-time equivalent students enrolled in an isolated high-~~  
12 ~~school;~~  
13 ~~————— i. — 0.20 the number of full-time equivalent students attending school in a bordering~~  
14 ~~state in accordance with section 15.1-29-01;~~  
15 ~~————— j. — 0.20 the number of full-time equivalent students who on a test of English-~~  
16 ~~language proficiency approved by the superintendent of public instruction are~~  
17 ~~determined to be not proficient and are enrolled in a program of instruction for~~  
18 ~~English language learners;~~  
19 ~~————— k. — 0.17 the number of full-time equivalent students enrolled in an early childhood-~~  
20 ~~special education program;~~  
21 ~~————— l. — 0.07 the number of students enrolled in average daily membership, in order to~~  
22 ~~support the provision of special education services;~~  
23 ~~————— m. — 0.07 the number of full-time equivalent students who on a test of English-~~  
24 ~~language proficiency approved by the superintendent of public instruction are~~  
25 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~  
26 ~~for English language learners;~~  
27 ~~————— n. — 0.004 the number of students enrolled in average daily membership in a school-~~  
28 ~~district that is a participating member of a regional education association meeting~~  
29 ~~the requirements of chapter 15.1-09.1; and~~  
30 ~~————— o. — 0.002 the number of students enrolled in average daily membership, in order to~~  
31 ~~support technology.~~

1 ~~2. The superintendent of public instruction shall determine each school district's weighted~~  
2 ~~average daily membership by adding the products derived under subsection 1 to the~~  
3 ~~district's average daily membership.~~

4 ~~**(Effective after June 30, 2011) Weighted average daily membership -- Determination.**~~

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

6 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer-~~  
7 ~~program;~~

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

10 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education-~~  
11 ~~program;~~

12 ~~d. 0.50 the number of full-time equivalent students enrolled in a home-based-~~  
13 ~~education program and monitored by the school district under chapter 15.1-23;~~

14 ~~e. 0.30 the number of full-time equivalent students who on:~~

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

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

19 ~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~  
20 ~~school;~~

21 ~~g. 0.25 the number of full-time equivalent students enrolled in an isolated-~~  
22 ~~elementary school;~~

23 ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high-~~  
24 ~~school;~~

25 ~~i. 0.20 the number of full-time equivalent students in grades six through eight~~  
26 ~~enrolled in an alternative education program for at least an average of fifteen~~  
27 ~~hours per week;~~

28 ~~h. 0.20 the number of full-time equivalent students attending school in a bordering-~~  
29 ~~state in accordance with section 15.1-29-01;~~

30 ~~j.i. 0.20 the number of full-time equivalent students who on;~~

- 1 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~  
2 ~~public instruction are determined to be not more proficient than students~~  
3 ~~placed in the first of six categories of proficiency and therefore placed in the~~  
4 ~~second of six categories of proficiency; and are~~
- 5 ~~————— (2) Are enrolled in a program of instruction for English language learners;~~
- 6 ~~————— k.j. 0.17 the number of full-time equivalent students enrolled in an early childhood~~  
7 ~~special education program;~~
- 8 ~~————— l.k. 0.070.10 the number of students enrolled in average daily membership, if the~~  
9 ~~district has fewer than one hundred students enrolled in average daily~~  
10 ~~membership and the district consists of an area greater than two hundred~~  
11 ~~seventy-five square miles [19424.9 hectares], provided that any school district~~  
12 ~~consisting of an area greater than six hundred square miles [155399 hectares]~~  
13 ~~and enrolling fewer than fifty students in average daily membership must be~~  
14 ~~deemed to have an enrollment equal to fifty students in average daily~~  
15 ~~membership;~~
- 16 ~~————— l. 0.073 the number of students enrolled in average daily membership, in order to~~  
17 ~~support the provision of special education services;~~
- 18 ~~————— m. 0.07 the number of full-time equivalent students who on:~~
- 19 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~  
20 ~~public instruction are determined to be somewhat more proficient and~~  
21 ~~are than students placed in the second of six categories of proficiency;~~
- 22 ~~————— (2) Are enrolled in a program of instruction for English language learners; and~~
- 23 ~~————— (3) Have not been in the third of six categories of proficiency for more than~~  
24 ~~three years;~~
- 25 ~~————— n. 0.025 the number of students representing that percentage of the total number of~~  
26 ~~students in average daily membership which is equivalent to the three-year~~  
27 ~~average percentage of students in grades three through eight who are eligible for~~  
28 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~  
29 ~~[42 U.S.C. 1751 et seq.];~~
- 30 ~~————— o. 0.006 the number of students enrolled in average daily membership in each~~  
31 ~~public school in the district that:~~

1 ~~\_\_\_\_\_ (1) Has acquired and is utilizing the PowerSchool student information system;~~

2 ~~\_\_\_\_\_ (2) Has acquired and is in the process of implementing the PowerSchool~~  
3 ~~student information system; or~~

4 ~~\_\_\_\_\_ (3) Will acquire the PowerSchool student information system during the current~~  
5 ~~school year, provided the acquisition is contractually demonstrated; and~~

6 ~~\_\_\_\_\_ p. 0.004 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; and~~

9 ~~\_\_\_\_\_ p. 0.002 the number of students enrolled in average daily membership, in order to~~  
10 ~~support technology.~~

11 ~~\_\_\_\_\_ 2. The superintendent of public instruction shall determine each school district's weighted~~  
12 ~~average daily membership by adding the products derived under subsection 1 to the~~  
13 ~~district's average daily membership.~~

14 ~~\_\_\_\_\_ **SECTION 22. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is~~  
15 ~~amended and reenacted as follows:~~

16 ~~\_\_\_\_\_ **15.1-27-04. Per student payment rate.**~~

17 ~~\_\_\_\_\_ 1. a. The per student payment rate to which each school district is entitled for the first~~  
18 ~~year of the biennium is three thousand twonine hundred sixty one dollars.~~

19 ~~\_\_\_\_\_ b. The per student payment rate to which each school district is entitled for the~~  
20 ~~second year of the biennium is three thousand sevennine hundred~~  
21 ~~seventy-ninesixty one dollars.~~

22 ~~\_\_\_\_\_ 2. In order to determine the state aid payment to which each district is entitled, the~~  
23 ~~superintendent of public instruction shall multiply each district's weighted student units~~  
24 ~~by the per student payment rate set forth in subsection 1.~~

25 ~~\_\_\_\_\_ **SECTION 23. AMENDMENT.** Section 15.1-27-07.2 of the North Dakota Century Code is~~  
26 ~~amended and reenacted as follows:~~

27 ~~\_\_\_\_\_ **15.1-27-07.2. Baseline funding – Determination – Minimum and maximum allowable**~~  
28 ~~**increases.**~~

29 ~~\_\_\_\_\_ 1. The superintendent of public instruction shall determine each school district's baseline~~  
30 ~~funding per weighted student unit by:~~

1 ~~\_\_\_\_\_ a. Adding together all state aid received by the district during the 2006-07 school~~  
2 ~~year;~~

3 ~~\_\_\_\_\_ b. Subtracting the amount received by the district during the 2006-07 school year~~  
4 ~~for transportation aid, special education excess cost reimbursements, special~~  
5 ~~education contracts, prior year funding adjustments, and per student payments~~  
6 ~~for participation in educational associations governed by joint powers~~  
7 ~~agreements; and~~

8 ~~\_\_\_\_\_ c. Dividing the amount determined under subdivision b by the district's 2007-08~~  
9 ~~weighted student units.~~

10 ~~\_\_\_\_\_ 2. a. The superintendent of public instruction shall ensure that the total amount of~~  
11 ~~state aid payable to a district per weighted student unit, for the 2009-10 school~~  
12 ~~year, is at least equal to one hundred eight percent of the baseline funding per~~  
13 ~~weighted student unit, as established in subsection 1.~~

14 ~~\_\_\_\_\_ b. The superintendent of public instruction shall ensure that the total amount of~~  
15 ~~state aid payable to a district per weighted student unit, for each school year after~~  
16 ~~the 2009-10 school year, is at least equal to one hundred twelve and one-half~~  
17 ~~percent of the baseline funding per weighted student unit, as established in~~  
18 ~~subsection 1.~~

19 ~~\_\_\_\_\_ 3. a. The superintendent of public instruction shall ensure that the total amount of~~  
20 ~~state aid payable to a district per weighted student unit, less any amount received~~  
21 ~~as equity payments under section 15.1-27-11 per weighted student unit, does not~~  
22 ~~exceed, for the 2009-10~~2011-12~~ school year, one hundred twentyfour~~two~~~~  
23 ~~percent of the baseline funding per weighted student unit, as established in~~  
24 ~~subsection 1.~~

25 ~~\_\_\_\_\_ b. The superintendent of public instruction shall ensure that the total amount of~~  
26 ~~state aid payable to a district per weighted student unit, less any amount received~~  
27 ~~as equity payments under section 15.1-27-11 per weighted student unit, does not~~  
28 ~~exceed, for each school year after the 2009-10 school year, one hundred~~  
29 ~~thirty-four percent of the baseline funding per weighted student unit, as~~  
30 ~~established in subsection 1.~~

1 ~~— **SECTION 24. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is~~  
2 ~~amended and reenacted as follows:~~

3 ~~— **15.1-27-11. Equity payments.**~~

4 ~~— 1. The superintendent of public instruction shall:~~

5 ~~— a. Divide the imputed taxable valuation of the state by the total average daily~~  
6 ~~membership of all school districts in the state in order to determine the state~~  
7 ~~average imputed taxable valuation per student.~~

8 ~~— b. Divide the imputed taxable valuation of each school district by the district's total~~  
9 ~~average daily membership in order to determine each district's average imputed~~  
10 ~~taxable valuation per student.~~

11 ~~— 2. If a school district's imputed taxable valuation per student is less than ninety percent of~~  
12 ~~the statewide imputed taxable valuation per student, the superintendent of public~~  
13 ~~instruction shall calculate the valuation deficiency by:~~

14 ~~— a. Determining the difference between ninety percent of the state average imputed~~  
15 ~~taxable valuation per student and the district's average imputed taxable valuation~~  
16 ~~per student; and~~

17 ~~— b. Multiplying that difference by the district's total average daily membership.~~

18 ~~— 3. Except as provided in subsection 4, the equity payment to which a district is entitled~~  
19 ~~under this section equals the district's valuation deficiency multiplied by the lesser of:~~

20 ~~— a. The district's general fund levy for the taxable year 2008; or~~

21 ~~— b. One hundred eighty-five mills.~~

22 ~~— 4. a. The equity payment to which a district is entitled may not exceed the district's~~  
23 ~~taxable valuation multiplied by its general fund levy for the taxable year 2008.~~

24 ~~— b. If a district's general fund levy for the taxable year 2008 is less than one hundred~~  
25 ~~eighty-five mills, the superintendent of public instruction shall subtract the~~  
26 ~~district's general fund levy for the taxable year 2008 from one hundred eighty-five~~  
27 ~~mills, multiply the result by the district's taxable valuation, and subtract that result~~  
28 ~~from the equity payment to which the district is otherwise entitled.~~

29 ~~— c. If a district's imputed taxable valuation per student is less than fifty percent of the~~  
30 ~~statewide imputed taxable valuation per student, the payment to which the district~~  
31 ~~is entitled under this section may not be less than twenty percent of the statewide~~

1                   imputed taxable valuation per student times the school district's average daily  
2                   membership, multiplied by one hundred eighty-five mills.

3 ~~5.~~ In determining the amount to which a school district is entitled under this section, the  
4                   superintendent of public instruction may not include any payments received by the  
5                   district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and  
6                   may not include in the district's average daily membership students who are  
7                   dependents of members of the armed forces and students who are dependents of  
8                   civilian employees of the department of defense.

9 ~~6.~~ In determining the statewide average imputed taxable valuation per student for  
10 purposes of this section, the superintendent of public instruction may not include:

11 ~~a.~~ Any school district, which if included in the calculation would have an imputed  
12 taxable valuation per student that is three times greater than the statewide  
13 average imputed taxable valuation per student; and

14 ~~b.~~ Any school district, which if included in the calculation would have an imputed  
15 taxable valuation per student that is less than one fifth of the statewide average  
16 imputed taxable valuation per student.

17 ~~7.~~ For purposes of this section:

18 ~~a.~~ "General fund levy" includes a district's high school transportation levy and its  
19                   high school tuition levy.

20 ~~b.~~ "Imputed taxable valuation" means the valuation of all taxable real property in the  
21                   district plus:

22 ~~(1)~~ An amount determined by dividing seventy percent of the district's mineral  
23 and tuition revenue, revenue from payments in lieu of property taxes on  
24 distribution and transmission of electric power, revenue from payments in  
25 lieu of taxes from electricity generated from sources other than coal, and  
26 revenue received on account of the leasing of lands acquired by the United  
27 States for flood control, navigation, and allied purposes in accordance with  
28 33 U.S.C. 701c-3 by the district's general fund mill levy for the taxable year  
29 2008; and

1 ~~\_\_\_\_\_ (2) An amount determined by dividing the district's revenue from mobile home-~~  
2 ~~taxes and telecommunications taxes by the district's general fund mill levy~~  
3 ~~for the taxable year 2008.~~

4 ~~\_\_\_\_\_ c. "Mineral revenue" includes all revenue from county sources reported under code~~  
5 ~~2000 of the North Dakota school district financial accounting and reporting~~  
6 ~~manual as developed by the superintendent of public instruction in accordance~~  
7 ~~with section 15.1-02-08.~~

8 ~~\_\_\_\_\_ d. "Tuition revenue" includes all revenue reported under code 1300 of the North~~  
9 ~~Dakota school district financial accounting and reporting manual as developed by~~  
10 ~~the superintendent of public instruction in accordance with section 15.1-02-08.~~

11 ~~"Tuition revenue" does not include tuition income received specifically for the~~  
12 ~~operation of an educational program provided at a residential treatment facility.~~

13 ~~\_\_\_\_\_ **SECTION 25. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is~~  
14 ~~amended and reenacted as follows:~~

15 ~~\_\_\_\_\_ **15.1-27-35.3. (Effective through June 30, 2011) Payments to school districts --**~~  
16 ~~**Unobligated general fund balance -- Report to legislative council.**~~

17 ~~\_\_\_\_\_ 1. The superintendent of public instruction shall determine the amount of payments due a~~  
18 ~~school district and shall subtract from that the amount by which the unobligated~~  
19 ~~general fund balance of the district on the preceding June thirtieth is in excess of fifty~~  
20 ~~percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,~~  
21 ~~2008, the superintendent of public instruction shall determine the amount of payments~~  
22 ~~due a school district and shall subtract from that the amount by which the unobligated~~  
23 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~  
24 ~~forty five percent of its actual expenditures, plus twenty thousand dollars.~~

25 ~~\_\_\_\_\_ 2. In making the determination required by subsection 1, the superintendent of public~~  
26 ~~instruction may not include in a district's unobligated general fund balance any~~  
27 ~~moneys that:~~

28 ~~\_\_\_\_\_ a. (1) Were received by the district during the school year ending June 30, 2009,~~  
29 ~~on account of the leasing of lands acquired by the United States for flood~~  
30 ~~control, navigation, and allied purposes in accordance with 33 U.S.C.~~  
31 ~~701c-3; and~~

1 ~~————— (2) Exceeded the amount received by the district during the school year ending~~  
2 ~~June 30, 2008, for the purpose stated in paragraph 1;~~

3 ~~————— b. Were received directly by the district from the United States government in~~  
4 ~~accordance with the American Recovery and Reinvestment Act of 2009; or~~

5 ~~————— c. Were received by the district as supplemental one-time grants under section 52-~~  
6 ~~of S.L. 2009, ch. 175.~~

7 ~~————— 3. Any district having more than fifty thousand dollars excluded in the determination of its~~  
8 ~~ending fund balance, as required by subsection 2, shall provide a report to the~~  
9 ~~legislative council. The report, which must be presented at the time and in the manner~~  
10 ~~directed by the legislative council, must address how the money was expended,~~  
11 ~~including the number of mills by which the district was able to decrease its property~~  
12 ~~taxes, if such was a permitted use.~~

13 ~~————— **(Effective after June 30, 2011) Payments to school districts – Unobligated general**~~  
14 ~~**fund balance.**~~

15 ~~————— 1. The superintendent of public instruction shall determine the amount of payments due a~~  
16 ~~school district and shall subtract from that the amount by which the unobligated~~  
17 ~~general fund balance of the district on the preceding June thirtieth is in excess of fifty~~  
18 ~~percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,~~  
19 ~~2008, the superintendent of public instruction shall determine the amount of payments~~  
20 ~~due a school district and shall subtract from that the amount by which the unobligated~~  
21 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~  
22 ~~forty-five percent of its actual expenditures, plus twenty thousand dollars.~~

23 ~~————— 2. In making the determination required by subsection 1, the superintendent of public~~  
24 ~~instruction may not include in a district's unobligated general fund balance any~~  
25 ~~moneys that were received by the district from the federal education jobs fund~~  
26 ~~program.~~

27 ~~————— **SECTION 26. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is~~  
28 ~~amended and reenacted as follows:~~

~~15.1-37-01. Early childhood education program -- Approval.~~

- ~~1. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:~~
- ~~1.a. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;~~
  - ~~2.b. Follows a developmentally appropriate curriculum; and~~
  - ~~3.c. Is in compliance with all municipal and state health, fire, and safety requirements;~~
- ~~and~~
- ~~d. Limits its enrollment to children who have reached the age of four before August first of the year of enrollment.~~
- ~~2. Per student funding will not be provided to individuals or school districts offering a prekindergarten or early childhood education program.~~

~~SECTION 27. ISOLATED SCHOOLS -- TRANSITION PAYMENTS.~~

- ~~1. If during the 2010-11 school year a school district received payments as a result of section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the factor established under subdivision j of subsection 1 of section 15.1-27-03.1, the district is entitled to the following transition payments:~~
- ~~a. For the 2011-12 school year, an amount equal to that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~
  - ~~b. For the 2012-13 school year, an amount equal to seventy five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~
  - ~~c. For the 2013-14 school year, an amount equal to fifty percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011; and~~
  - ~~d. For the 2014-15 school year, an amount equal to twenty five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011.~~
- ~~2. Upon the closure of a school that met the definition of isolated under section 15.1-27-15, as it existed on June 30, 2011, the superintendent of public instruction~~

1 shall cease to provide to the district the transition payments established under  
2 subsection 1.

3 ~~SECTION 28. TRANSPORTATION GRANTS -- DISTRIBUTION.~~

4 ~~1. During each year of the 2011-13 biennium, the superintendent of public instruction~~  
5 ~~shall calculate the payment to which each school district is entitled based on the state~~  
6 ~~transportation formula as it existed on June 30, 2001, except that the superintendent~~  
7 ~~shall provide reimbursement at the rate of:~~

8 ~~a. One dollar and three cents per mile for schoolbuses having a capacity of ten or~~  
9 ~~more passengers;~~

10 ~~b. Forty six cents per mile for vehicles having a capacity of nine or fewer~~  
11 ~~passengers;~~

12 ~~c. Forty six cents per mile, one way, provided:~~

13 ~~(1) The student being transported resides more than two miles from the public~~  
14 ~~school that the student attends;~~

15 ~~(2) The student is transported by an adult member of the student's family;~~

16 ~~(3) The student is transported in a vehicle furnished by the student's parents;~~  
17 ~~and~~

18 ~~(4) The student's transportation is paid for by the student's parents; and~~

19 ~~d. Twenty six cents per student for each one-way trip.~~

20 ~~2. The superintendent of public instruction shall use the latest available student~~  
21 ~~enrollment count in each school district in applying the provisions of subsection 1.~~

22 ~~3. If any moneys provided for transportation payments in the grants transportation line~~  
23 ~~item in the appropriation bill for the superintendent of public instruction, as approved~~  
24 ~~by the sixty second legislative assembly, remain after application of the formula~~  
25 ~~provided for in this section, the superintendent of public instruction shall prorate the~~  
26 ~~remaining amounts according to the percentage of the total transportation formula~~  
27 ~~amount to which each school district is entitled.~~

28 ~~4. This section does not authorize the reimbursement of any costs incurred in providing~~  
29 ~~transportation for student attendance at extracurricular activities or events.~~

30 ~~SECTION 29. USE OF NEW MONEY -- TEACHER COMPENSATION INCREASES --~~  
31 ~~REPORTS TO THE LEGISLATIVE MANAGEMENT.~~

- 1 ~~1. During the 2011-13 biennium, the board of each school district shall use an amount~~  
2 ~~equal to at least seventy percent of all new money received by the district for per-~~  
3 ~~student payments to increase the compensation paid to teachers and to provide~~  
4 ~~compensation to teachers who begin employment with the district on or after July 1,~~  
5 ~~2011.~~
- 6 ~~2. For purposes of this section, the superintendent of public instruction shall calculate the~~  
7 ~~amount of new money received by a district during the 2011-13 biennium by:~~
- 8 ~~a. Determining the total amount of state dollars received by each district during the~~  
9 ~~2009-11 biennium as per student payments, provided that equity payments,~~  
10 ~~transportation payments, contingency distributions, mill levy reduction payments,~~  
11 ~~and technology support payments are not to be included in the total;~~
- 12 ~~b. Determining the total amount of state dollars received by each district during the~~  
13 ~~2011-13 biennium as per student payments, provided that the following are not to~~  
14 ~~be included in the total:~~
- 15 ~~(1) Contingent distributions;~~  
16 ~~(2) Cross-border attendance moneys;~~  
17 ~~(3) Deferred maintenance and physical plant improvements grants;~~  
18 ~~(4) Equity payments;~~  
19 ~~(5) Federal education jobs funds program moneys;~~  
20 ~~(6) Home-based education program monitoring moneys;~~  
21 ~~(7) Mill levy reduction payments;~~  
22 ~~(8) PowerSchool acquisition, implementation, and utilization moneys;~~  
23 ~~(9) Regional education association moneys and grants; and~~  
24 ~~(10) Transportation payments; and~~
- 25 ~~c. Subtracting the amount arrived at under subdivision a from the amount arrived at~~  
26 ~~under subdivision b.~~
- 27 ~~3. School districts providing educational services under a cooperative agreement~~  
28 ~~approved by the superintendent of public instruction must, for purposes of this section,~~  
29 ~~be treated as a single district.~~
- 30 ~~4. a. This section does not apply to a school district if the board of the school district,~~  
31 ~~after a public hearing at which public testimony and documentary evidence are~~

1                   accepted, determines in its discretion and by an affirmative vote of two-thirds of  
2                   the members of the board that complying with subsection 1 would place the  
3                   school district in the position of having insufficient fiscal resources to meet the  
4                   school district's other obligations.

5                   ~~b.~~ Within ten days of the vote required by subdivision a, the school board shall  
6                   notify the superintendent of public instruction of its action and shall file a report  
7                   detailing the grounds for its determination and action.

8                   ~~c.~~ The superintendent of public instruction shall report all notices received under  
9                   this subsection to the legislative management.

10                   ~~**SECTION 30. CONTINGENT MONEY.** If any money appropriated to the superintendent of  
11                   public instruction for state aid payments to school districts remains after the superintendent  
12                   complies with all statutory payment obligations imposed for the biennium beginning July 1,  
13                   2011, and ending June 30, 2013, the superintendent shall use the remaining moneys to provide  
14                   additional per student payments on a prorated basis according to the latest available average  
15                   daily membership of each school district.~~

16                   ~~**SECTION 31. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL  
17                   EDUCATION.** If during the biennium beginning July 1, 2011, and ending June 30, 2013, the  
18                   superintendent of public instruction determines that, using all available sources, there are  
19                   insufficient funds with which to fully reimburse school districts for the excess costs of serving the  
20                   one percent of special education students statewide who require the greatest school district  
21                   expenditures in order to be provided with special education and related services, the industrial  
22                   commission shall transfer from the earnings and accumulated and undivided profits of the Bank  
23                   of North Dakota the amount the superintendent of public instruction certifies is necessary to  
24                   provide the statutorily required level of reimbursement. The superintendent of public instruction  
25                   shall file for introduction legislation requesting that the sixty-third legislative assembly return any  
26                   amount transferred under this section to the Bank of North Dakota.~~

27                   ~~**SECTION 32. ALL-DAY KINDERGARTEN -- IMPACT REPORT.** Before December 31,  
28                   2011, and December 31, 2012, each school district that provided full-day kindergarten during  
29                   the previous school year shall file a report with the superintendent of public instruction indicating  
30                   the nature and extent of any measurable academic growth experienced by the students who  
31                   were enrolled in the program.~~

~~SECTION 33. LEGISLATIVE MANAGEMENT STUDY -- TEACHER COMPENSATION~~

~~REFORM. During the 2011-12 interim, the legislative management shall consider studying ways to reform the manner in which teacher compensation is determined, with a view to recruiting, developing, and retaining a high-quality teaching workforce capable of significantly improving student performance. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.~~

~~SECTION 34. REPEAL. Section 15.1-27-15 of the North Dakota Century Code is repealed.~~

~~SECTION 35. EFFECTIVE DATE. Section 21 of this Act becomes effective on July 1, 2013.~~

**SECTION 1.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Required transfer - Special education contract costs.**

If the industrial commission is notified by the superintendent of public instruction that, using all available sources, there are insufficient moneys with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount that the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the ensuing legislative assembly return any amount transferred under this section to the Bank of North Dakota.

**SECTION 2. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-33. Student information system - Statewide coordination - Financial support - Exemption.**

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system.

1 2. The superintendent of public instruction shall forward that portion of a school district's  
2 state aid which is payable by the superintendent under subdivision n of subsection 1 of  
3 section 15.1-27-03.1 directly to the information technology department to reimburse  
4 the department for the cost of the school district's acquisition, implementation, or  
5 utilization of PowerSchool and any related technology support services. The  
6 superintendent shall forward the amount payable under this subsection at the same  
7 time and in the same manner as provided for other state aid payments under section  
8 15.1-27-01.

9 3. If the portion of a school district's state aid forwarded to the information technology  
10 department under subsection 2 exceeds the cost incurred by the information  
11 technology department in providing for the school district's acquisition,  
12 implementation, or utilization of PowerSchool and any related technology support  
13 services, the information technology department shall return the excess moneys to the  
14 superintendent of public instruction for redistribution to the school district as per  
15 student payments.

16 4. The superintendent of public instruction may exempt a school district from having to  
17 acquire and utilize PowerSchool if the school district demonstrates that, in accordance  
18 with requirements of the bureau of Indian education, the district has acquired and is  
19 utilizing a student information system that is determined to be comparable by the  
20 superintendent.

21 **SECTION 3. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **15.1-09.1-02. Regional education ~~association -- Joint powers agreement~~associations -**  
24 **Review by superintendent of public instruction - Criteria.**

25 ~~Before~~In order for a group of school districts ~~may~~to be designated as a regional education  
26 association, the superintendent of public instruction shall review the joint powers agreement  
27 that the districts have entered and verify that: the requirements of this section have been met.

28 1. The school districts must:

- 29 a. Have a combined total land mass of at least five thousand eight hundred square  
30 miles [1502193 hectares];



1 ~~share at least five administrative functions and five student services, selected by~~  
2 ~~the district.~~

3 ~~d. For purposes of this subsection:~~

4 ~~(1) "Administrative functions" means:~~

5 ~~(a) Business management;~~

6 ~~(b) Career and technical education services management;~~

7 ~~(c) Curriculum mapping or development;~~

8 ~~(d) Data analysis;~~

9 ~~(e) Federal program support;~~

10 ~~(f) Federal title program management;~~

11 ~~(g) Grant writing;~~

12 ~~(h) School improvement;~~

13 ~~(i) School safety and environment management;~~

14 ~~(j) Special education services management;~~

15 ~~(k) Staff development;~~

16 ~~(l) Staff retention and recruitment;~~

17 ~~(m) Staff sharing;~~

18 ~~(n) Technology support; and~~

19 ~~(o) Any other functions approved by the superintendent of public~~  
20 ~~instruction.~~

21 ~~(2) "Student services" means:~~

22 ~~(a) Advanced placement classes;~~

23 ~~(b) Alternative high schools or alternative high school programs;~~

24 ~~(c) Career and technical education classes;~~

25 ~~(d) Counseling services;~~

26 ~~(e) Common elementary curricula;~~

27 ~~(f) Distance learning classes;~~

28 ~~(g) Dual credit classes;~~

29 ~~(h) Foreign language classes;~~

30 ~~(i) Library and media services;~~

31 ~~(j) Summer programs;~~

- 1 ~~(k) Supplemental instruction programs; and~~
- 2 ~~(l) Any other services approved by the superintendent of public-~~
- 3 ~~instruction.~~
- 4 ~~e. For purposes of this subsection, if a regional education association became-~~
- 5 ~~operational before July 1, 2005, the 2005-06 school year must be considered the-~~
- 6 ~~provider's first year of operation.~~
- 7 ~~5.~~ The joint powers agreement ~~provides~~must provide:
- 8 a. Criteria for the future participation of school districts that were not parties to the
- 9 original joint powers agreement;
- 10 b. An application process by which school districts that were not parties to the
- 11 original joint powers agreement can become participating districts; and
- 12 c. A process by which school districts that were not parties to the original joint
- 13 powers agreement and whose application to participate in the agreement was
- 14 denied can appeal the decision to the superintendent of public instruction.
- 15 ~~6.5.~~ The joint powers agreement ~~provides~~must provide for the employment and
- 16 compensation of staff.
- 17 ~~7.6.~~ The joint powers agreement must:
- 18 a. ~~Establishes~~Establish the number of members on the governing board;
- 19 b. ~~Establishes~~Establish the manner in which members of the governing board are
- 20 determined;
- 21 c. ~~Requires all members~~Require that each member of the governing board ~~or their-~~
- 22 ~~designees to be individuals~~be an individual currently serving on the board of a
- 23 participating school district or the designee of a participating school district's
- 24 board; and
- 25 d. ~~Allows~~Allow for the inclusion of ex officio nonvoting members on the governing
- 26 board.
- 27 ~~8.7.~~ The joint powers agreement ~~provides~~must provide that the board of the regional
- 28 education association shall meet at least quarterly.
- 29 ~~9.8.~~ The joint powers agreement ~~does~~may not permit the regional education association to
- 30 compensate members of the regional education association board for attending
- 31 meetings of the board and does not permit the regional education association to

1 reimburse members of the board for any expenses incurred in attending meetings of  
2 the board.

3 **SECTION 4.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
4 created and enacted as follows:

5 **Regional education association - Services to be offered.**

6 1. In order to be eligible for state funding, a regional education association must offer the  
7 following services to its member districts:

8 a. Coordination and facilitation of professional development activities for teachers  
9 and administrators employed by its member districts;

10 b. Supplementation of technology support services;

11 c. Assistance with achieving school improvement goals identified by the  
12 superintendent of public instruction;

13 d. Assistance with the collection, analysis, and interpretation of student  
14 achievement data; and

15 e. Assistance with the expansion and enrichment of curricular offerings.

16 2. Subsection 1 does not preclude a regional education association from offering  
17 additional services to its member districts.

18 **SECTION 5.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
19 created and enacted as follows:

20 **Professional development advisory committee - Reimbursement of members.**

21 Each member of the professional development advisory committee is entitled to receive  
22 reimbursement for expenses as provided by law for state officers if the member is attending  
23 committee meetings, except that no member may receive reimbursement under this section for  
24 more than three committee meetings during each year of the biennium.

25 **SECTION 6.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
26 created and enacted as follows:

27 **Teacher support program - Establishment.**

28 The education standards and practices board shall:

29 1. Establish and administer a teacher support program;

30 2. Employ an individual to serve as a teacher support program coordinator;

- 1        3. a. Select and train experienced teachers who will serve as mentors for first-year  
2            teachers and assist the first-year teachers with instructional skills development;  
3            or  
4        b. If a school district or other employing entity listed in section 9 of this Act is not in  
5            need of mentors for its first-year teachers, select and train experienced teachers  
6            who will work with school district administrators and administrators from the other  
7            employing entities to identify the needs of the non-first-year teachers and help  
8            the non-first-year teachers address their particular needs through the use of:  
9            (1) Research-validated interventions; and  
10           (2) Proven instructional methods.

11        **SECTION 7.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
12 created and enacted as follows:

13        **Teacher support program - Availability of services.**

14        The education standards and practices board may use any moneys it receives for the  
15 teacher support program to provide staff compensation, training, evaluation, and stipends for  
16 mentors and experienced teachers who assist first-year and non-first-year teachers participating  
17 in the program, and to pay for any other administrative expenses resulting from the program;  
18 provided, however, that the board may not expend more than five percent of the moneys for  
19 administrative purposes.

20        **SECTION 8.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is  
21 created and enacted as follows:

22        **Teacher support program - Authorized service recipients.**

23        The education standards and practices board may provide support services to teachers  
24 employed by:

- 25        1. School districts;  
26        2. Special education units;  
27        3. Area career and technology centers;  
28        4. Regional education associations; and  
29        5. Schools funded by the bureau of Indian education.

30        **SECTION 9. AMENDMENT.** Section 15.1-21-02.1 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1 **15.1-21-02.1. High school graduation--Diploma requirements**diploma - Minimum  
2 units.

3 Except as provided in section 15.1-21-02.3, before a school district, a nonpublic high  
4 school, or the center for distance education issues a high school diploma to a student, the  
5 student must have successfully completed ~~the following twenty-two units of high school~~  
6 ~~coursework:~~

- 7 ~~1. Four units of English language arts from a sequence that includes literature,~~  
8 ~~composition, and speech;~~
- 9 ~~2. Three units of mathematics;~~
- 10 ~~3. Three units of science, including:~~
- 11 ~~a. One unit of physical science;~~
- 12 ~~b. One unit of biology; and~~
- 13 ~~c. (1) One unit of any other science; or~~
- 14 ~~(2) Two one-half units of any other science;~~
- 15 ~~4. Three units of social studies, including:~~
- 16 ~~a. One unit of United States history;~~
- 17 ~~b. (1) One-half unit of United States government and one-half unit of economics;~~  
18 ~~or~~
- 19 ~~(2) One unit of problems of democracy; and~~
- 20 ~~c. One unit or two one-half units of any other social studies, which may include~~  
21 ~~civics, civilization, geography and history, multicultural studies, North Dakota~~  
22 ~~studies, psychology, sociology, and world history;~~
- 23 ~~5. a. One unit of physical education; or~~
- 24 ~~b. One-half unit of physical education and one-half unit of health;~~
- 25 ~~6. Three units of:~~
- 26 ~~a. Foreign languages;~~
- 27 ~~b. Native American languages;~~
- 28 ~~c. Fine arts; or~~
- 29 ~~d. Career and technical education courses; and~~
- 30 ~~7. Any five additional units.~~

31 1. The twenty-two units of high school coursework set forth in section 10 of this Act; and

2. Any additional units of high school coursework required by the issuing entity.

**SECTION 10.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

**High school graduation - Minimum requirements.**

Except as provided in section 15.1-21-02.3, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;

2. Three units of mathematics;

3. Three units of science, including:

a. One unit of physical science;

b. One unit of biology; and

c. (1) One unit of any other science; or

(2) Two one-half units of any other science;

4. Three units of social studies, including:

a. One unit of United States history;

b. (1) One-half unit of United States government and one-half unit of economics;

or

(2) One unit of problems of democracy; and

c. One unit or two one-half units of any other social studies, which may include

civics, civilization, geography and history, multicultural studies, North Dakota

studies, psychology, sociology, and world history;

5. a. One unit of physical education; or

b. One-half unit of physical education and one-half unit of health;

6. Three units of:

a. Foreign languages;

b. Native American languages;

c. Fine arts; or

d. Career and technical education courses; and

7. Any five additional units.

1       **SECTION 11. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-21-02.4. North Dakota career and technical education scholarship.**

4       Any resident student who graduates from a high school during or after the 2010-11 school  
5 year is eligible to receive a North Dakota career and technical education scholarship provided  
6 the student ~~completes all requirements set forth in subsections 1 through 5 and subsection 7 of~~  
7 ~~section 15.1-21-02.1 for a high school diploma and:~~

- 8       1. Completed four units of English language arts from a sequence that includes literature,  
9       composition, and speech;
- 10       2. Completed three units of mathematics, including:
  - 11       a. ~~Completes one~~One unit of algebra II, as defined by the superintendent of public  
12       instruction, ~~in fulfillment of the mathematics requirement set forth in subsection 2-~~  
13       ~~of section 15.1-21-02.1; and~~
  - 14       b. ~~Completes two~~Two units of any other mathematics;
- 15       3. Completed three units of science, including:
  - 16       a. One unit of physical science;
  - 17       b. One unit of biology; and
  - 18       c. (1) One unit of any other science; or  
19       (2) Two one-half units of any other science;
- 20       4. Completed three units of social studies, including:
  - 21       a. One unit of United States history;
  - 22       b. (1) One-half unit of United States government and one-half unit of economics;  
23       or  
24       (2) One unit of problems of democracy; and
  - 25       c. One unit or two one-half units of any other social studies, which may include  
26       civics, civilization, geography and history, multicultural studies, North Dakota  
27       studies, psychology, sociology, and world history;
- 28       5. a. Completed one unit of physical education; or  
29       b. One-half unit of physical education and one-half unit of health;
- 30       6. Completed:
  - 31       a. One unit selected from:

- 1                   (1) Foreign languages;  
2                   (2) Native American languages;  
3                   (3) American sign language;  
4                   (4) Fine arts; or  
5                   (5) Career and technical education courses; and  
6                   b. Two units of a coordinated plan of study recommended by the department of  
7                   career and technical education and approved by the superintendent of public  
8                   instruction; ~~and~~  
9                   ~~e.7.~~ Completes threeCompleted any five additional units, two of which must be in the area  
10                  of career and technical education;  
11                  ~~2.~~ Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;  
12                  ~~3.8.~~ a. (1) ObtainsObtained a cumulative grade point average of at least "B"3.0 on a  
13                  4.0 grading scale, as determined by the superintendent of public instruction,  
14                  based on all high school units in which the student was enrolled; and  
15                  (2) Obtained a grade of at least "C" in each unit or one-half unit; or  
16                  b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading  
17                  scale, as determined by the superintendent of public instruction, based only  
18                  on the units required by subsections 1 through 7 of this section; and  
19                  (2) Obtained a grade of at least "C" in each unit or one-half unit; and  
20                  ~~4.9.~~ ReceivesReceived:  
21                  a. A composite score of at least twenty-four on an ACT; or  
22                  b. A score of at least five on each of three WorkKeys assessments recommended  
23                  by the department of career and technical education and approved by the  
24                  superintendent of public instruction.

25                  **SECTION 12. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is  
26                  amended and reenacted as follows:

27                  **15.1-21-02.5. North Dakota academic scholarship.**

28                  Any resident student who graduates from a high school during or after the 2010-11 school  
29                  year is eligible to receive a North Dakota academic scholarship provided the student ~~completes~~  
30                  ~~all requirements set forth in subsections 1 through 5 and subsection 7 of section 15.1-21-02.1~~  
31                  ~~for a high school diploma and:~~

- 1 1. Completed four units of English language arts from a sequence that includes literature,  
2 composition, and speech;
- 3 2. Completed three units of mathematics, including:
  - 4 a. ~~Completes one~~One unit of algebra II, as defined by the superintendent of public  
5 instruction, ~~in fulfillment of the mathematics requirement set forth in subsection 2-~~  
6 ~~of section 15.1-21-02.1; and~~
  - 7 b. ~~Completes one additional~~One unit of mathematics for which algebra II, as defined  
8 by the superintendent of public instruction, is a prerequisite; ~~and~~
  - 9 ~~e.~~3. Completed three units of science, including:
    - 10 a. One unit of physical science;
    - 11 b. One unit of biology; and
    - 12 c. (1) One unit of any other science; or  
13 (2) Two one-half units of any other science;
- 14 4. Completed three units of social studies, including:
  - 15 a. One unit of United States history;
  - 16 b. (1) One-half unit of United States government and one-half unit of economics;  
17 or  
18 (2) One unit of problems of democracy; and
  - 19 c. One unit or two one-half units of any other social studies, which may include  
20 civics, civilization, geography and history, multicultural studies, North Dakota  
21 studies, psychology, sociology, and world history;
- 22 5. a. Completed one unit of physical education; or  
23 b. One-half unit of physical education and one-half unit of health;
- 24 6. a. Completed:
  - 25 (1) Two units of the same foreign or native American language;
  - 26 (2) ~~One unit of fine arts or career and technical education~~American sign  
27 language; and
  - 28 ~~(3)~~b. One unit of a foreign or native selected from:
    - 29 (1) Foreign languages;
    - 30 (2) Native American language, fine languages;
    - 31 (3) American sign language;

- 1 ~~(4) Fine arts, or career; or~~
- 2 ~~(5) Career and technical education;~~
- 3 ~~2. Obtains a grade of at least "C" in each unit or one-half unit required for the diploma;~~
- 4 ~~3.7. Obtains~~ Completed any five additional units, one of which must be in the area of fine
- 5 arts or career and technical education;
- 6 ~~8. a. (1) Obtained~~ a cumulative grade point average of at least "B"3.0 on a 4.0
- 7 grading scale, as determined by the superintendent of public instruction,
- 8 based on all high school units in which the student was enrolled; and
- 9 ~~(2) Obtained a grade of at least "C" in each unit or one-half unit; or~~
- 10 ~~b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading~~ scale, as determined by the superintendent of public instruction, based only
- 11 on the units required by subsections 1 through 7 of this section; and
- 12 ~~(2) Obtained a grade of at least "C" in each unit or one-half unit;~~
- 13 ~~4.9. Receives~~ Received a composite score of at least twenty-four on an ACT; and
- 14 ~~5.10. a. Completes~~ Fulfilled any one unit requirement set forth in subsections 1 through 7
- 15 of this section by means of an advanced placement course and examination; or
- 16 ~~b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 of this~~ section by means of a dual-credit course.

17

18

19 **SECTION 13. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is

20 amended and reenacted as follows:

21 **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

- 22 1. a. The state board of higher education shall provide to any student certified as
- 23 being eligible by the superintendent of public instruction either a North Dakota
- 24 academic scholarship or a North Dakota career and technical education
- 25 scholarship in the amount of seven hundred fifty dollars for each semester during
- 26 which the student is enrolled full time at an accredited institution of higher
- 27 education in this state and maintains a cumulative grade point average of 2.75.
- 28 b. The state board of higher education shall provide to any student certified as
- 29 being eligible by the superintendent of public instruction either a North Dakota
- 30 academic scholarship or a North Dakota career and technical education
- 31 scholarship in the amount of five hundred dollars for each quarter during which

1 the student is enrolled full time at an accredited institution of higher education in  
2 this state and maintains a cumulative grade point average of 2.75.

3 2. The state board shall monitor each scholarship recipient to ensure that the student  
4 meets the academic and other requirements of this section. Upon determining that a  
5 recipient student has failed to meet the requirements of this section, the board shall  
6 provide notification to the student within ten days.

7 ~~2.3.~~ A student is not entitled to receive more than six thousand dollars under this section.

8 ~~3.4.~~ The state board of higher education shall forward the scholarship directly to the  
9 institution in which the student is enrolled.

10 ~~4.5.~~ a. (1) This section does not require a student to be enrolled in consecutive  
11 semesters.

12 (2) This section does not require a student to be enrolled in consecutive  
13 quarters.

14 b. However, a scholarship under this section is valid only for six academic years  
15 after the student's graduation from high school and may not be applied to  
16 graduate programs.

17 ~~5.6.~~ A scholarship under this section is available to any eligible student who graduates  
18 from a high school in this state or from a high school in a bordering state under  
19 chapter 15.1-29.

20 7. For purposes of North Dakota scholarship eligibility under this section, "full-time"  
21 means enrollment in at least twelve credits during a student's first two semesters and  
22 enrollment in at least fifteen credits during each semester thereafter or enrollment in  
23 the equivalent number of credits, as determined by the state board of higher  
24 education, with respect to students in a quarter system.

25 **SECTION 14.** A new section to chapter 15.1-21 of the North Dakota Century Code is  
26 created and enacted as follows:

27 **North Dakota scholarship - Eligibility - One-time exception.**

28 1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point  
29 average as determined by the state board of higher education at the conclusion  
30 of a semester is below 2.75, the board shall grant an exception and provide the  
31 North Dakota scholarship to which the student would otherwise be entitled for the

1 next semester in which the student is enrolled full time. The exception provided  
2 by this section is applicable to a student only one time.

3 b. If a student's cumulative grade point average as determined by the state board of  
4 higher education at the conclusion of a semester is below 2.75 for a second time,  
5 the student is no longer eligible to receive any additional North Dakota academic  
6 or career and technical education scholarships.

7 2. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point  
8 average as determined by the state board of higher education at the conclusion  
9 of a quarter is below 2.75, the board shall grant an exception and provide the  
10 North Dakota scholarship to which the student would otherwise be entitled for the  
11 next quarter in which the student is enrolled full time. The exception provided by  
12 this section is applicable to a student only one time.

13 b. If a student's cumulative grade point average as determined by the state board of  
14 higher education at the conclusion of a quarter is below 2.75 for a second time,  
15 the student is no longer eligible to receive any additional North Dakota academic  
16 or career and technical education scholarships.

17 **SECTION 15. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **15.1-21-08. Reading, mathematics, and science - Administration of test.**

20 1. The superintendent of public instruction shall administer to public school students a  
21 test that is aligned to the state content and achievement standards in reading and  
22 mathematics. This test must be administered ~~to all public school students in at least~~  
23 ~~one grade level selected within each of the following grade spans: grades three-~~  
24 ~~through five; grades six through nine; and grades ten through twelve. Beginning no~~  
25 ~~later than the 2005-06 school year and annually thereafter, the superintendent of~~  
26 ~~public instruction shall administer the reading and mathematics test~~ annually to all  
27 public school students in grades three, four, five, six, seven, eight, and eleven.

28 2. ~~Beginning no later than the 2007-08 school year and annually thereafter, the~~ The  
29 superintendent of public instruction shall administer a test that is aligned to the state  
30 content and achievement standards in science. This test must be administered to all  
31 public school students in at least one grade level selected from three through five; in at

1 least one grade level selected from six through nine; and in grade eleven. The  
2 superintendent of public instruction may not administer the grade eleven test after  
3 December first of each school year.

4 **SECTION 16. AMENDMENT.** Section 15.1-21-18 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-21-18. Career interest inventory - Educational and career planning -**  
7 **Consultation.**

- 8 1. A school district shall administer to students, once during their enrollment in grade  
9 seven or eight and once during their enrollment in grade nine or ten, a career interest  
10 inventory recommended by the department of career and technical education and  
11 approved by the superintendent of public instruction.
- 12 2. At least once during the seventh or eighth grade, each school district shall arrange for  
13 students to participate in either an individual consultative process or a nine-week  
14 course, for the purpose of discussing the results of their career interest inventory,  
15 selecting high school courses appropriate to their educational pursuits and career  
16 interests, and developing individual high school education plans.
- 17 3. Each school district shall notify its high school students that, upon request, a student is  
18 entitled to receive a consultative review of the student's individual high school  
19 education plan at least once during each high school grade. Upon the request of a  
20 student, the school district shall provide the consultative review.
- 21 4. Each school district shall verify compliance with the requirements of this section at the  
22 time and in the manner required by the superintendent of public instruction.

23 **SECTION 17. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

- 26 1. Except as otherwise provided, each public and nonpublic school student in grade  
27 eleven shall take the ACT, including the writing test, or three WorkKeys assessments  
28 recommended by the department of career and technical education and approved by  
29 the superintendent of public instruction. The student shall determine which summative  
30 assessment to take. The ~~student's school district of residence~~superintendent of public

1 instruction is responsible for the cost of procuring and administering one summative  
2 assessment ~~and its administration~~ per student.

3 2. The student's career advisor or guidance counselor shall meet with the student to  
4 review the student's assessment results.

5 3. A school district superintendent or a school administrator in the case of a nonpublic  
6 school student may exempt a student from the requirements of this section if taking  
7 the test is not required by the student's individualized education program plan or if  
8 other special circumstances exist.

9 4. ~~If the superintendent of public instruction determines that the cost of the summative-~~  
10 ~~assessment and its administration can be reduced through use of a state procurement~~  
11 ~~process, the superintendent shall work with the school districts to procure and arrange~~  
12 ~~for the administration of the assessment and shall withhold each district's share of the~~  
13 ~~total cost from any state aid otherwise payable to the district.~~ At the time and in the  
14 manner determined by the superintendent of public instruction, each school district  
15 superintendent and each school administrator in the case of a nonpublic school shall  
16 report the number of eleventh grade students who:

17 a. Took the ACT, including the writing test;

18 b. Took the three WorkKeys assessments; and

19 c. Were exempted from the requirements of this section, together with the reason  
20 for each exemption.

21 **SECTION 18. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **15.1-22-01. Kindergarten - Establishment by board - Request by parent - Levy.**

24 1. ~~Upon its own motion, the~~ The board of a school district ~~may establish a free public~~  
25 ~~kindergarten.~~

26 ~~2. If the board receives a written request to provide kindergarten from the parent of a~~  
27 ~~student who will be enrolled in the kindergarten, the board~~ shall either provide at least  
28 a half-day kindergarten program for ~~the~~ any student enrolled in the district or pay the  
29 tuition required for the student to attend ~~at least a half-day~~ a kindergarten program in  
30 another school district.

~~3-2.~~ The board of a school district that establishes a kindergarten under this section may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2.

**SECTION 19. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-22-02. Public kindergarten - Requirements.**

A school district operating a kindergarten:

1. May not employ an individual as a kindergarten teacher unless the individual is licensed to teach by the education standards and practices board or approved by the education standards and practices board~~;~~
2. Shall submit to the superintendent of public instruction and follow a developmentally appropriate curriculum~~;~~
3. Shall provide ~~at least the equivalent of thirty full days of~~ kindergarten instruction, on a half-day or full-day basis, as determined by the school board~~;~~

4. Shall provide for a kindergarten instructional calendar equal to at least fifty percent of the full-time instructional days required in accordance with section 15.1-06-04;

~~5.~~ Shall apply all municipal and state health, fire, and safety requirements to the kindergarten~~;~~ and

~~5-6.~~ May not enroll a child who is not five years old before August first of the year of enrollment, unless the child will be five years old before December first and:

- a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate academic, social, and emotional readiness; or
- b. The child has been enrolled in another approved kindergarten.

**SECTION 20. AMENDMENT.** Section 15.1-27-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03. Cost of education - Determination.**

1. The superintendent of public instruction shall determine the educational cost per student.
2. In determining the educational cost per student, the superintendent may not use:
  - a. Capital outlay for buildings~~;~~

- b. Capital outlay for sites;
- c. Capital outlay for debt service;
- d. Expenditures for school activities;
- e. Expenditures for school lunch programs;
- f. Expenditures for transportation costs, including schoolbuses; or
- g. Expenditures for early childhood education.

**SECTION 21. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03.1. ~~(Effective through June 30, 2011) Weighted average daily membership--~~  
~~Determination.~~**

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

- ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;~~
- ~~b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;~~
- ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education program;~~
- ~~d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;~~
- ~~e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;~~
- ~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;~~
- ~~g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;~~
- ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;~~
- ~~i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;~~

- 1 ~~j. 0.20 the number of full-time equivalent students who on a test of English-~~  
2 ~~language proficiency approved by the superintendent of public instruction are-~~  
3 ~~determined to be not proficient and are enrolled in a program of instruction for-~~  
4 ~~English language learners;~~
- 5 ~~k. 0.17 the number of full-time equivalent students enrolled in an early childhood-~~  
6 ~~special education program;~~
- 7 ~~l. 0.07 the number of students enrolled in average daily membership, in order to-~~  
8 ~~support the provision of special education services;~~
- 9 ~~m. 0.07 the number of full-time equivalent students who on a test of English-~~  
10 ~~language proficiency approved by the superintendent of public instruction are-~~  
11 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~  
12 ~~for English language learners;~~
- 13 ~~n. 0.004 the number of students enrolled in average daily membership in a school-~~  
14 ~~district that is a participating member of a regional education association meeting-~~  
15 ~~the requirements of chapter 15.1-09.1; and~~
- 16 ~~o. 0.002 the number of students enrolled in average daily membership, in order to-~~  
17 ~~support technology.~~
- 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 ~~**(Effective after June 30, 2011) Weighted average daily membership - Determination.**~~
- 22 1. For each school district, the superintendent of public instruction shall multiply by:
- 23 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer  
24 program;
- 25 b. 1.00 the number of full-time equivalent students enrolled in an extended  
26 educational program in accordance with section 15.1-32-17;
- 27 c. 0.60 the number of full-time equivalent students enrolled in a summer education  
28 program;
- 29 d. 0.50 the number of full-time equivalent students enrolled in a home-based  
30 education program and monitored by the school district under chapter 15.1-23;
- 31 e. 0.30 the number of full-time equivalent students who ~~on~~ en.

- 1 (1) On a test of English language proficiency approved by the superintendent of  
2 public instruction are determined to be least proficient and placed in the first  
3 of six categories of proficiency; and ~~are~~
- 4 (2) Are enrolled in a program of instruction for English language learners;
- 5 f. 0.25 the number of full-time equivalent students enrolled in an alternative high  
6 school;
- 7 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~  
8 ~~elementary school;~~
- 9 ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high-~~  
10 ~~school;~~
- 11 ~~i. 0.20 the number of full-time equivalent students attending school in a bordering~~  
12 ~~state in accordance with section 15.1-29-01;~~
- 13 ~~j-h. 0.20 the number of full-time equivalent students who ~~on~~;~~
- 14 (1) On a test of English language proficiency approved by the superintendent of  
15 public instruction are determined to be ~~not~~ more proficient than students  
16 placed in the first of six categories of proficiency and therefore placed in the  
17 second of six categories of proficiency; and ~~are~~
- 18 (2) Are enrolled in a program of instruction for English language learners;
- 19 ~~k.i. 0.17 the number of full-time equivalent students enrolled in an early childhood~~  
20 ~~special education program;~~
- 21 ~~l.j. 0.070.10 the number of students enrolled in average daily membership, if the~~  
22 ~~district has fewer than one hundred students enrolled in average daily~~  
23 ~~membership and the district consists of an area greater than two hundred~~  
24 ~~seventy-five square miles [19424.9 hectares], provided that any school district~~  
25 ~~consisting of an area greater than six hundred square miles [155399 hectares]~~  
26 ~~and enrolling fewer than fifty students in average daily membership must be~~  
27 ~~deemed to have an enrollment equal to fifty students in average daily~~  
28 ~~membership;~~
- 29 ~~k. 0.073 the number of students enrolled in average daily membership, in order to~~  
30 ~~support the provision of special education services;~~
- 31 ~~m-l. 0.07 the number of full-time equivalent students who ~~on~~;~~

1 (1) On a test of English language proficiency approved by the superintendent of  
2 public instruction are determined to be somewhat more proficient and  
3 are than students placed in the second of six categories of proficiency and  
4 therefore placed in the third of six categories of proficiency;

5 (2) Are enrolled in a program of instruction for English language learners; and

6 (3) Have not been in the third of six categories of proficiency for more than  
7 three years;

8 ~~n.m.~~ 0.025 the number of students representing that percentage of the total number of  
9 students in average daily membership which is equivalent to the three-year  
10 average percentage of students in grades three through eight who are eligible for  
11 free or reduced lunches under the Richard B. Russell National School Lunch Act  
12 [42 U.S.C. 1751 et seq.];

13 n. 0.006 the number of students enrolled in average daily membership in each  
14 public school in the district that:

15 (1) Has acquired and is utilizing the PowerSchool student information system;

16 (2) Has acquired and is in the process of implementing the PowerSchool  
17 student information system; or

18 (3) Will acquire the PowerSchool student information system during the current  
19 school year, provided the acquisition is contractually demonstrated; and

20 o. 0.004 the number of students enrolled in average daily membership in a school  
21 district that is a participating member of a regional education association meeting  
22 the requirements of chapter 15.1-09.1; ~~and~~

23 ~~p. 0.002 the number of students enrolled in average daily membership, in order to~~  
24 ~~support technology.~~

25 2. The superintendent of public instruction shall determine each school district's weighted  
26 average daily membership by adding the products derived under subsection 1 to the  
27 district's average daily membership.

28 **SECTION 22. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
29 amended and reenacted as follows:

**15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership--**

**Determination:**

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

a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;

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

c. 0.60 the number of full-time equivalent students enrolled in a summer education program;

d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;

e. 0.30 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and are enrolled in a program of instruction for English language learners;

f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;

g. 0.25 the number of full-time equivalent students enrolled in an isolated elementary school;

h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;

i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;

j. 0.20 the number of full-time equivalent students who on a test of English language proficiency approved by the superintendent of public instruction are determined to be not proficient and are enrolled in a program of instruction for English language learners;

k. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

l. 0.07 the number of students enrolled in average daily membership, in order to support the provision of special education services;

- 1 ~~m. 0.07 the number of full-time equivalent students who on a test of English-~~  
2 ~~language proficiency approved by the superintendent of public instruction are-~~  
3 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~  
4 ~~for English language learners;~~
- 5 ~~n. 0.004 the number of students enrolled in average daily membership in a school-~~  
6 ~~district that is a participating member of a regional education association meeting-~~  
7 ~~the requirements of chapter 15.1-09.1; and~~
- 8 ~~o. 0.002 the number of students enrolled in average daily membership, in order to-~~  
9 ~~support technology.~~
- 10 ~~2. The superintendent of public instruction shall determine each school district's weighted-~~  
11 ~~average daily membership by adding the products derived under subsection 1 to the-~~  
12 ~~district's average daily membership.~~
- 13 ~~(Effective after June 30, 2011) Weighted average daily membership - Determination.~~
- 14 1. For each school district, the superintendent of public instruction shall multiply by:
- 15 a. 1.00 the number of full-time equivalent students enrolled in a migrant summer  
16 program;
- 17 b. 1.00 the number of full-time equivalent students enrolled in an extended  
18 educational program in accordance with section 15.1-32-17;
- 19 c. 0.60 the number of full-time equivalent students enrolled in a summer education  
20 program;
- 21 d. 0.50 the number of full-time equivalent students enrolled in a home-based  
22 education program and monitored by the school district under chapter 15.1-23;
- 23 e. 0.30 the number of full-time equivalent students who ~~on~~:
- 24 (1) On a test of English language proficiency approved by the superintendent of  
25 public instruction are determined to be least proficient and placed in the first  
26 of six categories of proficiency; and ~~are~~
- 27 (2) Are enrolled in a program of instruction for English language learners;
- 28 f. 0.25 the number of full-time equivalent students enrolled in an alternative high  
29 school;
- 30 g. ~~0.25 the number of full-time equivalent students enrolled in an isolated-~~  
31 ~~elementary school;~~

1 ~~h.~~ 0.25 the number of full-time equivalent students enrolled in an isolated high-  
2 school;

3 ~~i.~~ 0.20 the number of full-time equivalent students attending school in a bordering  
4 state in accordance with section 15.1-29-01;

5 ~~j-h.~~ 0.20 the number of full-time equivalent students who ~~on~~;

6 (1) On a test of English language proficiency approved by the superintendent of  
7 public instruction are determined to be ~~not~~more proficient than students  
8 placed in the first of six categories of proficiency and therefore placed in the  
9 second of six categories of proficiency; and ~~are~~

10 (2) Are enrolled in a program of instruction for English language learners;

11 ~~k-i.~~ 0.17 the number of full-time equivalent students enrolled in an early childhood  
12 special education program;

13 ~~t-j.~~ 0.070.10 the number of students enrolled in average daily membership, if the  
14 district has fewer than one hundred students enrolled in average daily  
15 membership and the district consists of an area greater than two hundred  
16 seventy-five square miles [19424.9 hectares], provided that any school district  
17 consisting of an area greater than six hundred square miles [155399 hectares]  
18 and enrolling fewer than fifty students in average daily membership must be  
19 deemed to have an enrollment equal to fifty students in average daily  
20 membership;

21 ~~k.~~ 0.079 the number of students enrolled in average daily membership, in order to  
22 support the provision of special education services;

23 ~~m-l.~~ 0.07 the number of full-time equivalent students who ~~on~~;

24 (1) On a test of English language proficiency approved by the superintendent of  
25 public instruction are determined to be ~~somewhat~~more proficient ~~and-~~  
26 ~~are~~than students placed in the second of six categories of proficiency and  
27 therefore placed in the third of six categories of proficiency;

28 (2) Are enrolled in a program of instruction for English language learners; and

29 (3) Have not been in the third of six categories of proficiency for more than  
30 three years;

1 ~~n.m.~~ 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 n. 0.006 the number of students enrolled in average daily membership in each  
7 public school in the district that:

8 (1) Has acquired and is utilizing the PowerSchool student information system;

9 (2) Has acquired and is in the process of implementing the PowerSchool  
10 student information system; or

11 (3) Will acquire the PowerSchool student information system during the current  
12 school year, provided the acquisition is contractually demonstrated; and

13 o. 0.004 the number of students enrolled in average daily membership in a school  
14 district that is a participating member of a regional education association meeting  
15 the requirements of chapter 15.1-09.1; ~~and~~

16 ~~p. 0.002 the number of students enrolled in average daily membership, in order to~~  
17 ~~support technology.~~

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 23. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 ~~15.1-27-03.1. (Effective through June 30, 2011) Weighted average daily membership~~  
24 ~~Determination.~~

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

26 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~  
27 ~~program;~~

28 ~~b. 1.00 the number of full-time equivalent students enrolled in an extended~~  
29 ~~educational program in accordance with section 15.1-32-17;~~

30 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~  
31 ~~program;~~

- 1 ~~d. 0.50 the number of full-time equivalent students enrolled in a home-based~~  
2 ~~education program and monitored by the school district under chapter 15.1-23;~~  
3 ~~e. 0.30 the number of full-time equivalent students who on a test of English-~~  
4 ~~language proficiency approved by the superintendent of public instruction are~~  
5 ~~determined to be least proficient and are enrolled in a program of instruction for~~  
6 ~~English language learners;~~  
7 ~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~  
8 ~~school;~~  
9 ~~g. 0.25 the number of full-time equivalent students enrolled in an isolated-~~  
10 ~~elementary school;~~  
11 ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high-~~  
12 ~~school;~~  
13 ~~i. 0.20 the number of full-time equivalent students attending school in a bordering-~~  
14 ~~state in accordance with section 15.1-29-01;~~  
15 ~~j. 0.20 the number of full-time equivalent students who on a test of English-~~  
16 ~~language proficiency approved by the superintendent of public instruction are~~  
17 ~~determined to be not proficient and are enrolled in a program of instruction for~~  
18 ~~English language learners;~~  
19 ~~k. 0.17 the number of full-time equivalent students enrolled in an early childhood-~~  
20 ~~special education program;~~  
21 ~~l. 0.07 the number of students enrolled in average daily membership, in order to~~  
22 ~~support the provision of special education services;~~  
23 ~~m. 0.07 the number of full-time equivalent students who on a test of English-~~  
24 ~~language proficiency approved by the superintendent of public instruction are~~  
25 ~~determined to be somewhat proficient and are enrolled in a program of instruction-~~  
26 ~~for English language learners;~~  
27 ~~n. 0.004 the number of students enrolled in average daily membership in a school-~~  
28 ~~district that is a participating member of a regional education association meeting~~  
29 ~~the requirements of chapter 15.1-09.1; and~~  
30 ~~o. 0.002 the number of students enrolled in average daily membership, in order to~~  
31 ~~support technology.~~

~~2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.~~

~~(Effective after June 30, 2011) Weighted average daily membership - Determination.~~

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

- a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;
- b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
- c. 0.60 the number of full-time equivalent students enrolled in a summer education program;
- d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
- e. 0.30 the number of full-time equivalent students who ~~are~~:

(1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and ~~are~~

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

- f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;
- g. ~~0.25 the number of full-time equivalent students enrolled in an isolated elementary school;~~
- ~~h. 0.25 the number of full-time equivalent students enrolled in an isolated high school;~~

~~i. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;~~

j-h. 0.20 the number of full-time equivalent students who ~~are~~:

(1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be not more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and ~~are~~

- 1 (2) Are enrolled in a program of instruction for English language learners;
- 2 ~~k.i.~~ 0.17 the number of full-time equivalent students enrolled in an early childhood  
3 special education program;
- 4 j. 0.15 the number of full-time equivalent students in grades six through eight  
5 enrolled in an alternative education program for at least an average of fifteen  
6 hours per week;
- 7 ~~h.k.~~ ~~0.070.10~~ the number of students enrolled in average daily membership, if the  
8 district has fewer than one hundred students enrolled in average daily  
9 membership and the district consists of an area greater than two hundred  
10 seventy-five square miles [19424.9 hectares], provided that any school district  
11 consisting of an area greater than six hundred square miles [155399 hectares]  
12 and enrolling fewer than fifty students in average daily membership must be  
13 deemed to have an enrollment equal to fifty students in average daily  
14 membership;
- 15 l. 0.079 the number of students enrolled in average daily membership, in order to  
16 support the provision of special education services;
- 17 m. 0.07 the number of full-time equivalent students who ~~on~~;
- 18 (1) On a test of English language proficiency approved by the superintendent of  
19 public instruction are determined to be ~~somewhat~~more proficient ~~and~~  
20 ~~are~~than students placed in the second of six categories of proficiency and  
21 therefore placed in the third of six categories of proficiency;
- 22 (2) Are enrolled in a program of instruction for English language learners; and
- 23 (3) Have not been in the third of six categories of proficiency for more than  
24 three years;
- 25 n. 0.025 the number of students representing that percentage of the total number of  
26 students in average daily membership which is equivalent to the three-year  
27 average percentage of students in grades three through eight who are eligible for  
28 free or reduced lunches under the Richard B. Russell National School Lunch Act  
29 [42 U.S.C. 1751 et seq.];
- 30 o. 0.006 the number of students enrolled in average daily membership in each  
31 public school in the district that:

1 (1) Has acquired and is utilizing the PowerSchool student information system;

2 (2) Has acquired and is in the process of implementing the PowerSchool  
3 student information system; or

4 (3) Will acquire the PowerSchool student information system during the current  
5 school year, provided the acquisition is contractually demonstrated; and

6 ~~p. 0.004 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; and~~

9 ~~p. 0.002 the number of students enrolled in average daily membership, in order to~~  
10 ~~support technology.~~

- 11 2. The superintendent of public instruction shall determine each school district's weighted  
12 average daily membership by adding the products derived under subsection 1 to the  
13 district's average daily membership.

14 **SECTION 24. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15.1-27-04. Per student payment rate.**

17 1. a. The per student payment rate to which each school district is entitled for the first  
18 year of the biennium is three thousand ~~two~~nine hundred ~~ten~~ dollars.

19 b. The per student payment rate to which each school district is entitled for the  
20 second year of the biennium is three thousand ~~seven~~nine hundred  
21 ~~seventy-nine~~eighty dollars.

- 22 2. In order to determine the state aid payment to which each district is entitled, the  
23 superintendent of public instruction shall multiply each district's weighted student units  
24 by the per student payment rate set forth in subsection 1.

25 **SECTION 25. AMENDMENT.** Section 15.1-27-07.2 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable**  
28 **increases.**

- 29 1. The superintendent of public instruction shall determine each school district's baseline  
30 funding per weighted student unit by:

- 1           a. Adding together all state aid received by the district during the 2006-07 school  
2           year;
- 3           b. Subtracting the amount received by the district during the 2006-07 school year  
4           for transportation aid, special education excess cost reimbursements, special  
5           education contracts, prior year funding adjustments, and per student payments  
6           for participation in educational associations governed by joint powers  
7           agreements; and
- 8           c. Dividing the amount determined under subdivision b by the district's 2007-08  
9           weighted student units.
- 10          2.    a. The superintendent of public instruction shall ensure that the total amount of  
11           state aid payable to a district per weighted student unit, for the 2009-10 school  
12           year, is at least equal to one hundred eight percent of the baseline funding per  
13           weighted student unit, as established in subsection 1.
- 14           b. The superintendent of public instruction shall ensure that the total amount of  
15           state aid payable to a district per weighted student unit, for each school year after  
16           the 2009-10 school year, is at least equal to one hundred twelve and one-half  
17           percent of the baseline funding per weighted student unit, as established in  
18           subsection 1.
- 19          3.    ~~a.~~ The superintendent of public instruction shall ensure that the total amount of  
20           state aid payable to a district per weighted student unit, less any amount received  
21           as equity payments under section 15.1-27-11 per weighted student unit, does not  
22           exceed, for the ~~2009-10~~2011-12 school year, one hundred ~~twenty~~forty-two  
23           percent of the baseline funding per weighted student unit, as established in  
24           subsection 1.
- 25          ~~b.~~ ~~The superintendent of public instruction shall ensure that the total amount of~~  
26           ~~state aid payable to a district per weighted student unit, less any amount received~~  
27           ~~as equity payments under section 15.1-27-11 per weighted student unit, does not~~  
28           ~~exceed, for each school year after the 2009-10 school year, one hundred~~  
29           ~~thirty-four percent of the baseline funding per weighted student unit, as~~  
30           ~~established in subsection 1.~~

1 | **SECTION 26. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3 | **15.1-27-11. Equity payments.**

- 4 | 1. The superintendent of public instruction shall:
- 5 | a. Divide the imputed taxable valuation of the state by the total average daily  
6 | membership of all school districts in the state in order to determine the state  
7 | average imputed taxable valuation per student.
- 8 | b. Divide the imputed taxable valuation of each school district by the district's total  
9 | average daily membership in order to determine each district's average imputed  
10 | taxable valuation per student.
- 11 | 2. If a school district's imputed taxable valuation per student is less than ninety percent of  
12 | the statewide imputed taxable valuation per student, the superintendent of public  
13 | instruction shall calculate the valuation deficiency by:
- 14 | a. Determining the difference between ninety percent of the state average imputed  
15 | taxable valuation per student and the district's average imputed taxable valuation  
16 | per student; and
- 17 | b. Multiplying that difference by the district's total average daily membership.
- 18 | 3. Except as provided in subsection 4, the equity payment to which a district is entitled  
19 | under this section equals the district's valuation deficiency multiplied by the lesser of:
- 20 | a. The district's general fund levy for the taxable year 2008; or  
21 | b. One hundred eighty-five mills.
- 22 | 4. a. The equity payment to which a district is entitled may not exceed the district's  
23 | taxable valuation multiplied by its general fund levy for the taxable year 2008.
- 24 | b. If a district's general fund levy for the taxable year 2008 is less than one hundred  
25 | eighty-five mills, the superintendent of public instruction shall subtract the  
26 | district's general fund levy for the taxable year 2008 from one hundred eighty-five  
27 | mills, multiply the result by the district's taxable valuation, and subtract that result  
28 | from the equity payment to which the district is otherwise entitled.
- 29 | c. If a district's imputed taxable valuation per student is less than fifty percent of the  
30 | statewide imputed taxable valuation per student, the payment to which the district  
31 | is entitled under this section may not be less than twenty percent of the statewide

1                   imputed taxable valuation per student times the school district's average daily  
2                   membership, multiplied by one hundred eighty-five mills.

3           5.   In determining the amount to which a school district is entitled under this section, the  
4           superintendent of public instruction may not include any payments received by the  
5           district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and  
6           may not include in the district's average daily membership students who are  
7           dependents of members of the armed forces and students who are dependents of  
8           civilian employees of the department of defense.

9           6.   In determining the statewide average imputed taxable valuation per student for  
10           purposes of this section, the superintendent of public instruction may not include:

11           a.   Any school district, which if included in the calculation would have an imputed  
12           taxable valuation per student that is three times greater than the statewide  
13           average imputed taxable valuation per student; and

14           b.   Any school district, which if included in the calculation would have an imputed  
15           taxable valuation per student that is less than one-fifth of the statewide average  
16           imputed taxable valuation per student.

17           7.   For purposes of this section:

18           a.   "General fund levy" includes a district's high school transportation levy and its  
19           high school tuition levy.

20           b.   "Imputed taxable valuation" means the valuation of all taxable real property in the  
21           district plus:

22           (1)   An amount determined by dividing seventy percent of the district's mineral  
23           and tuition revenue, revenue from payments in lieu of property taxes on  
24           distribution and transmission of electric power, revenue from payments in  
25           lieu of taxes from electricity generated from sources other than coal, and  
26           revenue received on account of the leasing of lands acquired by the United  
27           States for flood control, navigation, and allied purposes in accordance with  
28           33 U.S.C. 701c-3 by the district's general fund mill levy for the taxable year  
29           2008; and

1 (2) An amount determined by dividing the district's revenue from mobile home  
2 taxes and telecommunications taxes by the district's general fund mill levy  
3 for the taxable year 2008.

4 c. "Mineral revenue" includes all revenue from county sources reported under code  
5 2000 of the North Dakota school district financial accounting and reporting  
6 manual as developed by the superintendent of public instruction in accordance  
7 with section 15.1-02-08.

8 d. "Tuition revenue" includes all revenue reported under code 1300 of the North  
9 Dakota school district financial accounting and reporting manual as developed by  
10 the superintendent of public instruction in accordance with section 15.1-02-08.

11 "Tuition revenue" does not include tuition income received specifically for the  
12 operation of an educational program provided at a residential treatment facility.

13 **SECTION 27. AMENDMENT.** Section 15.1-27-23 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid**  
16 **payments to school districts.**

17 1. If because of severe weather or other emergency conditions a public school or school  
18 district remains closed or provides less than a full day of instruction, the public school  
19 or school district shall make every effort to reschedule classes so that students receive  
20 at least ~~one hundred seventy-three~~the number of full instructional days ~~of~~  
21 ~~instruction~~required by section 15.1-06-04.

22 2. Any public school or school district for which the rescheduling of classes would create  
23 undue hardship may request that, for purposes of calculating state aid payments to the  
24 ~~school or~~ school district, the governor waive the rescheduling in whole or in part.

25 3. The governor may not grant a waiver for less than a full day of instruction. However, if  
26 a public school or school district closes for only a portion of its regular schoolday, the  
27 hours during which the school or school district is closed may be added together to  
28 determine the number of additional full days of instruction that may be waived under  
29 this section.

30 **SECTION 28. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is  
31 amended and reenacted as follows:

**15.1-27-35.3. ~~(Effective through June 30, 2011) Payments to school districts --~~**

**~~Unobligated general fund balance -- Report to legislative council.~~**

~~1. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty five percent of its actual expenditures, plus twenty thousand dollars.~~

~~2. In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that:~~

~~a. (1) Were received by the district during the school year ending June 30, 2009, on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3; and~~

~~(2) Exceeded the amount received by the district during the school year ending June 30, 2008, for the purpose stated in paragraph 1;~~

~~b. Were received directly by the district from the United States government in accordance with the American Recovery and Reinvestment Act of 2009; or~~

~~c. Were received by the district as supplemental one-time grants under section 52 of S.L. 2009, ch. 175.~~

~~3. Any district having more than fifty thousand dollars excluded in the determination of its ending fund balance, as required by subsection 2, shall provide a report to the legislative council. The report, which must be presented at the time and in the manner directed by the legislative council, must address how the money was expended, including the number of mills by which the district was able to decrease its property taxes, if such was a permitted use.~~

**~~(Effective after June 30, 2011) Payments to school districts - Unobligated general fund balance.~~**

1 1. The superintendent of public instruction shall determine the amount of payments due a  
2 school district and shall subtract from that the amount by which the unobligated  
3 general fund balance of the district on the preceding June thirtieth is in excess of ~~fifty-~~  
4 ~~percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1,~~  
5 ~~2008, the superintendent of public instruction shall determine the amount of payments~~  
6 ~~due a school district and shall subtract from that the amount by which the unobligated~~  
7 ~~general fund balance of the district on the preceding June thirtieth is in excess of~~  
8 forty-five percent of its actual expenditures, plus twenty thousand dollars.

9 2. In making the determination required by subsection 1, the superintendent of public  
10 instruction may not include in a district's unobligated general fund balance any  
11 moneys that were received by the district from the federal education jobs fund  
12 program.

13 **SECTION 29.** A new section to chapter 15.1-27 of the North Dakota Century Code is  
14 created and enacted as follows:

15 **Distribution of remaining moneys.**

16 If any money remains in the grants - state aid line item after the superintendent complies  
17 with all statutory payment obligations imposed for a biennium, the superintendent shall use the  
18 remaining moneys to provide additional per student payments on a prorated basis according to  
19 the latest available average daily membership of each school district.

20 **SECTION 30. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **15.1-36-02. School construction projects - Loans.**

- 23 1. The board of university and school lands may authorize the use of moneys in the coal  
24 development trust fund established pursuant to section 21 of article X of the  
25 Constitution of North Dakota and subsection 1 of section 57-62-02 to provide school  
26 construction loans, as described in this chapter. The outstanding principal balance of  
27 loans under this chapter may not exceed fifty million dollars. The board may adopt  
28 policies and rules governing school construction loans.
- 29 2. In order to be eligible for a loan under this section, the board of a school district shall:
- 30 a. Propose a construction project with a cost of at least one million dollars and an  
31 expected utilization of at least thirty years;

- 1           b. Obtain the approval of the superintendent of public instruction for the construction  
2           project under section 15.1-36-01; and
- 3           c. Submit to the superintendent of public instruction an application containing all  
4           information deemed necessary by the superintendent, including potential  
5           alternative sources or methods of financing the construction project.
- 6        3. The superintendent of public instruction shall give priority to any district that meets the  
7        requirements for receipt of an equity payment under section 15.1-27-11.
- 8        4. If an eligible school district's imputed taxable valuation per student is less than eighty  
9        percent of the state average imputed valuation per student, the district is entitled to  
10       receive:
  - 11        a. A school construction loan equal to the lesser of ~~eight~~twelve million dollars or  
12        eighty percent of the actual project cost;
  - 13        b. An interest rate discount equal to at least fiftyone hundred but not more than two  
14        hundred fifty basis points below the prevailing tax-free bond rates; and
  - 15        c. A term of repayment that may extend up to twenty years.
- 16        5. If an eligible school district's imputed taxable valuation per student is equal to at least  
17        eighty percent but less than ninety percent of the state average imputed taxable  
18        valuation per student, the district is entitled to receive:
  - 19        a. A school construction loan equal to the lesser of ~~seven~~ten million dollars or  
20        seventy percent of the actual project cost;
  - 21        b. An interest rate buydown equal to at least fiftyone hundred but not more than two  
22        hundred fifty basis points below the prevailing tax-free bond rates; and
  - 23        c. A term of repayment that may extend up to twenty years.
- 24        6. If an eligible school district's imputed taxable valuation per student is equal to at least  
25        ninety percent of the state average imputed taxable valuation per student, the district  
26        is entitled to receive:
  - 27        a. A school construction loan equal to the lesser of ~~two~~four million ~~five hundred-~~  
28        ~~thousand~~ dollars or thirty percent of the actual project cost;
  - 29        b. An interest rate discount equal to at least fiftyone hundred but not more than two  
30        hundred fifty basis points below the prevailing tax-free bond rates; and
  - 31        c. A term of repayment that may extend up to twenty years.

- 1       7. The board of a school district may submit its loan application to the superintendent of
- 2           public instruction before or after receiving authorization of a bond issue in accordance
- 3           with chapter 21-03. If the vote to authorize a bond issue precedes the application for a
- 4           loan, the application must be acted upon by the superintendent expeditiously but no
- 5           later than one hundred eighty days from the date it is received by the superintendent.
- 6       8. The superintendent of public instruction shall consider each loan application in the
- 7           order it received approval under section 15.1-36-01.
- 8       9. If the superintendent of public instruction approves the loan, the superintendent may
- 9           determine the loan amount, the term of the loan, and the interest rate, in accordance
- 10          with the requirements of this section.
- 11       10. The superintendent of public instruction may adopt rules governing school
- 12          construction loans.
- 13       11. For purposes of this section, a construction project means the purchase, lease,
- 14          erection, or improvement of any structure or facility by a school board, provided the
- 15          acquisition or activity is within a school board's authority.

16       **SECTION 31. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **15.1-37-01. Early childhood education program - Approval.**

- 19       1. Any person or school district operating an early childhood education program may
- 20          request approval of the program from the superintendent of public instruction. The
- 21          superintendent shall approve an early childhood education program if the program:
  - 22       ~~1.~~ a. Is taught by individuals who are licensed to teach in early childhood education by
  - 23          the education standards and practices board;
  - 24       ~~2.~~ b. Follows a developmentally appropriate curriculum; ~~and~~
  - 25       ~~3.~~ c. Is in compliance with all municipal and state health, fire, and safety requirements;
  - 26          and
  - 27       d. Limits its enrollment to children who have reached the age of four before August
  - 28          first in the year of enrollment.
- 29       ~~2.~~ Per student funding will not be provided to individuals or school districts offering a
- 30          prekindergarten. In determining the state aid payments to which a school district is

1 entitled, the superintendent of public instruction may not count any student enrolled in  
2 a regular early childhood education program.

3 **SECTION 32. AMENDMENT.** Subsection 1 of section 15.1-37-02 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 1. The North Dakota early childhood education council consists of:

- 6 a. A chairman appointed by the governor;  
7 b. The superintendent of public instruction, or the superintendent's designee;  
8 c. The state health officer, or the officer's designee;  
9 d. The director of the department of human services, or the director's designee;  
10 e. The North Dakota head start - state collaboration administrator, or the  
11 administrator's designee;  
12 f. The commissioner of higher education, or the commissioner's designee;  
13 g. The commissioner of commerce, or the commissioner's designee;  
14 h. The chairman of the senate education committee, or the chairman's designee;

15 ~~h.i.~~ The chairman of the house of representatives education committee, or the  
16 chairman's designee; and

17 ~~i.j.~~ The following gubernatorial appointees:

- 18 (1) The superintendent of a school district having at least one thousand  
19 students in average daily membership;  
20 (2) The superintendent of a school district having fewer than one thousand  
21 students in average daily membership;  
22 (3) The superintendent of a school district headquartered on a reservation or  
23 including reservation land within its boundaries;  
24 (4) ~~The principal of a school district;~~  
25 ~~(5) An individual employed as an elementary school teacher;~~  
26 ~~(6)~~ An individual representing a non-religious-based provider of ~~preschool~~early  
27 childhood education;  
28 ~~(7)~~(5) An individual representing a religious-based provider of ~~preschool~~early  
29 childhood education;  
30 ~~(8)~~(6) An individual representing a center-based licensed child care provider;  
31 ~~(9)~~(7) An individual representing a home-based licensed child care provider;

- ~~(10)~~(8) An individual representing a reservation-based head start program;
- ~~(11)~~(9) An elected member of a school board;
- ~~(12)~~(10) The parent of a child not yet enrolled in elementary school; ~~and~~
- ~~(13)~~(11) The parent of a child with ~~special needs~~ disabilities not yet enrolled in elementary school; ~~and~~
- (12) An individual representing children with disabilities.

**SECTION 33. AMENDMENT.** Section 15.1-37-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-37-03. Council - Duties.**

The council shall:

1. Review the ~~delivery~~ availability and provision of early childhood education, care, and services in this state;
2. ~~Conduct a needs assessment;~~
- ~~3. Review early childhood education standards and propose revisions to the standards as needed;~~
- ~~4. Review~~ Identify opportunities for public and private sector collaboration in the ~~delivery~~ provision of early childhood education, care, and services in this state;
- ~~5. Develop a comprehensive plan governing the delivery of early childhood education in this state; and~~
- ~~6.3. Identify ways to assist with the recruitment and retention of individuals interested in working as providers of early childhood education, care, and services, including training and continuing education or professional development opportunities;~~
4. Seek the advice and guidance of individuals who are uniquely familiar with the nature, scope, and associated challenges of providing early childhood education, care, and services in geographically and socioeconomically diverse settings, and develop recommendations pertaining to the short-term and longer-term improvement and expansion of early childhood education, care, and services in this state; and
5. Provide a biennial report regarding its ~~activities~~ findings and recommendations to the governor and the legislative ~~council~~ assembly.

**SECTION 34. APPROPRIATION - SCHOOL DISTRICT RAPID ENROLLMENT GROWTH - GRANTS.** There is appropriated out of any moneys in the oil and gas impact grant fund in the

1 state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as  
2 may be necessary, to the superintendent of public instruction for the purpose of providing a  
3 grant to any school district that can demonstrate rapid enrollment growth, for the biennium  
4 beginning July 1, 2011, and ending June 30, 2013.

- 5 1. If the number of full-time equivalent students enrolled in a school district has increased  
6 by at least seven percent annually and if that increase is equal to at least twenty-five  
7 full-time equivalent students, as demonstrated by the district's September tenth fall  
8 enrollment report, the district is entitled to receive a grant equal to the per student  
9 payment provided for in section 15.1-27-04 multiplied by the actual increase in its  
10 full-time equivalent student enrollment.
- 11 2. If the amount of the appropriation provided for in this section is insufficient to meet the  
12 obligations of this section, the superintendent of public instruction shall prorate the  
13 payment based on the percentage of the total amount to which each school district is  
14 entitled.
- 15 3. The superintendent of public instruction may not expend more than \$2,500,000 in  
16 grants under this section during the first year of the biennium.
- 17 4. Any district that is precluded from receiving state aid under section 15.1-27-35.3 is not  
18 eligible to receive a grant under this section.

19 **SECTION 35. APPROPRIATION - GEARING UP FOR KINDERGARTEN.** There is  
20 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
21 appropriated, the sum of \$625,000, or so much of the sum as may be necessary, to the  
22 superintendent of public instruction for the purpose of supporting the gearing up for  
23 kindergarten program provided by the North Dakota state university extension service, for the  
24 biennium beginning July 1, 2011, and ending June 30, 2013. The North Dakota state university  
25 extension service may use up to \$125,000 of the amount appropriated for administrative  
26 purposes.

27 **SECTION 36. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 28 1. During each year of the 2011-13 biennium, the superintendent of public instruction  
29 shall calculate the payment to which each school district is entitled based on the state  
30 transportation formula as it existed on June 30, 2001, except that the superintendent  
31 shall provide reimbursement at the rate of:

- 1 a. One dollar and three cents per mile for schoolbuses having a capacity of ten or  
2 more passengers;
- 3 b. Forty-six cents per mile for vehicles having a capacity of nine or fewer  
4 passengers;
- 5 c. Forty-six cents per mile, provided:
  - 6 (1) The student being transported is a student with a disability, as defined in  
7 chapter 15.1-32;
  - 8 (2) The student's individualized education program plan requires that the  
9 student attend a public or a nonpublic school located outside the student's  
10 school district of residence;
  - 11 (3) The student is transported by an adult member of the student's family;
  - 12 (4) The student is transported in a vehicle furnished by the student's parents;
  - 13 (5) The student's transportation is paid for by the student's parents; and
  - 14 (6) The reimbursement does not exceed two round trips daily between the  
15 student's home and school.
- 16 d. Forty-six cents per mile, one way, provided:
  - 17 (1) The student being transported resides more than two miles from the public  
18 school that the student attends;
  - 19 (2) The student is transported by an adult member of the student's family;
  - 20 (3) The student is transported in a vehicle furnished by the student's parents;  
21 and
  - 22 (4) The student's transportation is paid for by the student's parents; and
- 23 e. Twenty-six cents per student for each one-way trip.
- 24 2. The superintendent of public instruction shall use the latest available student  
25 enrollment count in each school district in applying the provisions of subsection 1.
- 26 3. If any moneys provided for transportation payments in the grants transportation line  
27 item in the appropriation bill for the superintendent of public instruction, as approved  
28 by the sixty-second legislative assembly, remain after application of the formula  
29 provided for in this section, the superintendent of public instruction shall prorate the  
30 remaining amounts according to the percentage of the total transportation formula  
31 amount to which each school district is entitled.

- 1       4. This section does not authorize the reimbursement of any costs incurred in providing  
2           transportation for student attendance at extracurricular activities or events.

3       **SECTION 37. ISOLATED SCHOOLS - TRANSITION PAYMENTS.**

- 4       1. If during the 2010-11 school year a school district received payments as a result of  
5           section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not  
6           eligible for the factor established under subdivision j of subsection 1 of section  
7           15.1-27-03.1, the district is entitled to the following transition payments:  
8           a. For the 2011-12 and 2012-13 school years, an amount equal to that which the  
9                district would have received under section 15.1-27-15, as the section existed on  
10              June 30, 2011;  
11           b. For the 2013-14 school year, an amount equal to seventy-five percent of that  
12              which the district would have received under section 15.1-27-15, as the section  
13              existed on June 30, 2011;  
14           c. For the 2014-15 school year, an amount equal to fifty percent of that which the  
15              district would have received under section 15.1-27-15, as the section existed on  
16              June 30, 2011; and  
17           d. For the 2015-16 school year, an amount equal to twenty-five percent of that  
18              which the district would have received under section 15.1-27-15, as the section  
19              existed on June 30, 2011.  
20       2. Upon the closure of a school that met the definition of isolated under section  
21           15.1-27-15, as it existed on June 30, 2011, the superintendent of public instruction  
22           shall cease to provide to the district the transition payments established under  
23           subsection 1.

24       **SECTION 38. ALTERNATIVE MIDDLE SCHOOL - GRANTS.**

- 25       1. During the second year of the 2011-13 biennium, the superintendent of public  
26           instruction shall expend up to \$300,000 from the grants - other grants line item in the  
27           appropriation bill for the superintendent of public instruction, as approved by the  
28           sixty-second legislative assembly, for the purpose of providing a grant to any school  
29           district that offers an alternative education program for students enrolled in grades six  
30           through eight.

- 1        2.    In order to determine the amount that a school district may receive under this section,  
2            the superintendent of public instruction shall multiply by a factor of .15 the number of  
3            students in grades six through eight who are enrolled in an alternative education  
4            program for at least fifteen hours per week.
- 5        3.    If the expenditure authorized in this section is insufficient for providing grants to all  
6            eligible school districts, the superintendent of public instruction shall prorate the grants  
7            based on the percentage of the total to which each school district is entitled.

8            **SECTION 39. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES -**  
9 **REPORTS TO THE LEGISLATIVE MANAGEMENT.**

- 10        1.    During the 2011-13 biennium, the board of each school district shall use an amount  
11            equal to at least seventy percent of all new money received by the district for per  
12            student payments to increase the compensation paid to teachers and to provide  
13            compensation to teachers who begin employment with the district on or after July 1,  
14            2011.
- 15        2.    For purposes of this section, the superintendent of public instruction shall calculate the  
16            amount of new money available during the 2011-13 biennium by:
  - 17            a.    Determining the total amount of dollars in the grants - state school aid line item in  
18                  the 2011-13 appropriation bill for the superintendent of public instruction, as  
19                  approved by the sixty-second legislative assembly and subtracting from that  
20                  amount:
    - 21                          (1)    Equity payments;
    - 22                          (2)    Regional education association moneys and grants;
    - 23                          (3)    PowerSchool acquisition, implementation, and utilization moneys; and
    - 24                          (4)    Contingent distributions;
  - 25            b.    Determining the total amount of dollars in the grants - state school aid line item  
26                  and in the grants - supplemental line item in the 2009-11 appropriation bill for the  
27                  superintendent of public instruction, as approved by the sixty-first legislative  
28                  assembly and subtracting from that amount:
    - 29                          (1)    Equity payments;
    - 30                          (2)    Regional education association moneys and grants;
    - 31                          (3)    Technology support payments; and

- 1 (4) Contingent distributions; and
- 2 c. Subtracting the amount arrived at under subdivision b from the amount arrived at
- 3 under subdivision a.
- 4 3. School districts providing educational services under a cooperative agreement
- 5 approved by the superintendent of public instruction must, for purposes of this section,
- 6 be treated as a single district.
- 7 4. a. This section does not apply to a school district if the board of the school district,
- 8 after a public hearing at which public testimony and documentary evidence are
- 9 accepted, determines in its discretion and by an affirmative vote of two-thirds of
- 10 the members of the board that complying with subsection 1 would place the
- 11 school district in the position of having insufficient fiscal resources to meet the
- 12 school district's other obligations.
- 13 b. Within ten days of the vote required by subdivision a, the school board shall
- 14 notify the superintendent of public instruction of its action and shall file a report
- 15 detailing the grounds for its determination and action.
- 16 c. The superintendent of public instruction shall report all notices received under
- 17 this subsection to the legislative management.

18 **SECTION 40. EDUCATION FUNDING AND TAXATION COMMITTEE - CREATION -**

19 **STUDY.**

- 20 1. The education funding and taxation committee consists of the following eight
- 21 members:
- 22 a. The house majority leader or the leader's designee selected from among the
- 23 members of the house education committee or the house finance and taxation
- 24 committee;
- 25 b. The house minority leader or the leader's designee selected from among the
- 26 members of the house education committee or the house finance and taxation
- 27 committee;
- 28 c. The senate majority leader or the leader's designee selected from among the
- 29 members of the senate education committee or the senate finance and taxation
- 30 committee;

- d. The senate minority leader or the leader's designee selected from among the members of the senate education committee or the senate finance and taxation committee;
- e. The chairman of the house education committee, or the chairman's designee;
- f. The chairman of the house finance and taxation committee, or the chairman's designee;
- g. The chairman of the senate education committee, or the chairman's designee; and
- h. The chairman of the senate finance and taxation committee, or the chairman's designee.

2. The chairman of the legislative management shall select one from among the voting members to serve as the chairman of the committee.

3. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

4. The committee shall examine short-term and longer-term state and local involvement in funding elementary and secondary education. The committee shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

**SECTION 41. ADULT EDUCATION - STUDY.** During the 2011-12 interim, the legislative management shall consider studying the provision and funding of adult education. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

**SECTION 42. ALTERNATIVE EDUCATION - MIDDLE SCHOOL - DATA COLLECTION - REPORT.**

1. The superintendent of public instruction shall collect data regarding the provision of services to students in grades six through eight who are enrolled in an alternative education program for at least an average of fifteen hours per week. The data must include:

- a. The number of school districts offering alternative education programs to students in grades six through eight;

- 1           b. The number of students in grades six through eight who are enrolled in
- 2           alternative education programs;
- 3           c. The number of students in grades six through eight who are enrolled in
- 4           alternative education programs and who are eligible for free or reduced lunches
- 5           under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- 6           d. The average number of hours per week that students in grades six through eight
- 7           are spending in alternative education programs;
- 8           e. A quantification of the students' academic accomplishments; and
- 9           f. Any reductions in the number of students enrolled in alternative high schools.
- 10          2. Before October 1, 2012, the superintendent of public instruction shall report the data to
- 11          the legislative management.

12          **SECTION 43. REPEAL.** Section 5 of this Act and sections 15.1-18.2-01, 15.1-18.2-02, and

13 15.1-18.2-03 of the North Dakota Century Code are repealed.

14          **SECTION 44. REPEAL.** Section 15.1-27-15 of the North Dakota Century Code is repealed.

15          **SECTION 45. EFFECTIVE DATE.** Section 22 of this Act becomes effective on July 1, 2012.

16 Section 43 of this Act becomes effective on July 1, 2013.

17          **SECTION 46. EFFECTIVE DATE - EXPIRATION DATE.** Section 23 of this Act is effective

18 on July 1, 2013, through June 30, 2015, and after that date is ineffective.

19          **SECTION 47. EMERGENCY.** Sections 27 and 40 of this Act are declared to be an

20 emergency measure.