

**SENATE BILL NO. 2194**

Introduced by

Senators Heckaman, Marcellais, Oban

Representatives Delmore, Holman, Mock

1 A BILL for an Act to amend and reenact section 15.1-09-58, subsection 1 of section  
2 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, 15.1-27-35, and 15.1-35-09 of the North  
3 Dakota Century Code, relating to the provision of and payment for early childhood education  
4 programs.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-09-58 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-09-58. Early childhood education - Authorization - Support.**

9 The

- 10 1. a Except as otherwise required in this section, the board of a school district may  
11 establish an early childhood education program and, provided the program that is  
12 approved by the superintendent of public instruction in accordance with chapter  
13 15.1-37,
- 14 b. Beginning with the 2017-18 school year, the board of each school district shall  
15 provide or contract for the provision of an early childhood education program that  
16 is approved by the superintendent of public instruction, in accordance with  
17 chapter 15.1-37.
- 18 2. A school district may support that an early childhood education program with:
- 19 4. a. Local tax revenues, other than those necessary to support the district's  
20 kindergarten program and the provision of elementary and high school  
21 educational services;
- 22 2. b. State moneys specifically appropriated for the program;
- 23 3. c. Federal funds specifically appropriated or approved for the program; and
- 24 4. d. Gifts, grants, and donations specifically given for the program.

1           **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-09.1-10 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           1. The superintendent of public instruction shall forward the portion of a school district's  
4 state aid which is payable by the superintendent under subdivision ~~h~~n of subsection 1  
5 of section 15.1-27-03.1 as a result of the district's participation in a regional education  
6 association directly to the association in which the district participates. The  
7 superintendent shall forward the amount payable under this subsection at the same  
8 time and in the same manner as provided for other state aid payments under section  
9 15.1-27-01.

10           **SECTION 3. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **15.1-27-03.1. (~~Effective through June 30, 2017~~) Weighted average daily membership--**  
13 **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 an extended-~~  
16           ~~educational program in accordance with section 15.1-32-17;~~  
17           ~~b. 0.60 the number of full-time equivalent students enrolled in a summer education-~~  
18           ~~program, including a migrant summer education program;~~  
19           ~~e. 0.33 the number of full-time equivalent students who:~~  
20           ~~(1) On a test of English language proficiency approved by the superintendent of~~  
21           ~~public instruction are determined to be least proficient and placed in the first-~~  
22           ~~of six categories of proficiency; and~~  
23           ~~(2) Are enrolled in a program of instruction for English language learners;~~  
24           ~~d. 0.25 the number of full-time equivalent students under the age of twenty-one-~~  
25           ~~enrolled in grades nine through twelve in an alternative high school;~~  
26           ~~e. 0.22 the number of full-time equivalent students who:~~  
27           ~~(1) On a test of English language proficiency approved by the superintendent of~~  
28           ~~public instruction are determined to be more proficient than students placed-~~  
29           ~~in the first of six categories of proficiency and therefore placed in the second-~~  
30           ~~of six categories of proficiency; and~~  
31           ~~(2) Are enrolled in a program of instruction for English language learners;~~

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- 1           f. ~~0.20 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           g. ~~0.17 the number of full-time equivalent students enrolled in an early childhood~~  
4           ~~special education program;~~  
5           h. ~~0.15 the number of full-time equivalent students in grades six through eight~~  
6           ~~enrolled in an alternative education program for at least an average of fifteen~~  
7           ~~hours per week;~~  
8           i. ~~0.10 the number of students enrolled in average daily membership, if the district~~  
9           ~~has fewer than one hundred students enrolled in average daily membership and~~  
10          ~~the district consists of an area greater than two hundred seventy-five square~~  
11          ~~miles [19424.9 hectares], provided that any school district consisting of an area~~  
12          ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~  
13          ~~fifty students in average daily membership must be deemed to have an~~  
14          ~~enrollment equal to fifty students in average daily membership;~~  
15          j. ~~0.082 the number of students enrolled in average daily membership, in order to~~  
16          ~~support the provision of special education services;~~  
17          k. ~~0.07 the number of full-time equivalent students who:~~  
18             ~~(1) On a test of English language proficiency approved by the superintendent of~~  
19             ~~public instruction are determined to be more proficient than students placed~~  
20             ~~in the second of six categories of proficiency and therefore placed in the~~  
21             ~~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          l. ~~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          and

1 m. ~~0.002 the number of students enrolled in average daily membership in a school-~~  
2 ~~district that is a participating member of a regional education association meeting-~~  
3 ~~the requirements of chapter 15.1-09.1.~~

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

7 **~~(Effective after June 30, 2017) Weighted average daily membership - Determination.~~**

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

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

11 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
12 program, including a migrant summer education program;

13 c. 0.50 the number of full-time equivalent students enrolled in an early childhood  
14 education program offered in accordance with section 15.1-09-58;

15 d. 0.40 the number of full-time equivalent students who:

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

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

20 d.e. 0.28 the number of full-time equivalent students who:

21 (1) On a test of English language proficiency approved by the superintendent of  
22 public instruction are determined to be more proficient than students placed  
23 in the first of six categories of proficiency and therefore placed in the second  
24 of six categories of proficiency; and

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

26 e.f. 0.25 the number of full-time equivalent students under the age of twenty-one  
27 enrolled in grades nine through twelve in an alternative high school;

28 f.g. 0.20 the number of full-time equivalent students enrolled in a home-based  
29 education program and monitored by the school district under chapter 15.1-23;

30 g.h. 0.17 the number of full-time equivalent students enrolled in an early childhood  
31 special education program;



1       **SECTION 4. AMENDMENT.** Section 15.1-27-15.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-27-15.1. Isolated school districts - Transition payments.**

4       If during the 2010-11 school year, a school district received payments as a result of section  
5 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the  
6 factor established under subdivision h<sub>j</sub> of subsection 1 of section 15.1-27-03.1, the district is  
7 entitled to the following transition payments:

- 8       1. For the 2013-14 school year, an amount equal to that which the district would have  
9       received under section 15.1-27-15, as the section existed on June 30, 2011;
- 10       2. For the 2014-15 school year, an amount equal to seventy-five percent of that which  
11       the district would have received under section 15.1-27-15, as the section existed on  
12       June 30, 2011;
- 13       3. For the 2015-16 school year, an amount equal to fifty percent of that which the district  
14       would have received under section 15.1-27-15, as the section existed on June 30,  
15       2011; and
- 16       4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the  
17       district would have received under section 15.1-27-15, as the section existed on  
18       June 30, 2011.

19       **SECTION 5. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **15.1-27-35. Average daily membership - Calculation.**

- 22       1. Average daily membership is calculated at the conclusion of the school year by adding  
23       the total number of days that each student in a given grade, school, or school district is  
24       in attendance during a school calendar and the total number of days that each student  
25       in a given grade, school, or school district is absent during a school calendar, and then  
26       dividing the sum by the greater of:
  - 27       a. The school district's calendar; or
  - 28       b. One hundred eighty-two.
- 29       2. For purposes of calculating average daily membership, all students are deemed to be  
30       in attendance on:

- 1           a. The three holidays listed in subdivisions b through j of subsection 1 of section  
2           15.1-06-02 and selected by the school board in consultation with district  
3           teachers;
- 4           b. The two days set aside for professional development activities under section  
5           15.1-06-04; and
- 6           c. The two full days, or portions thereof, during which parent-teacher conferences  
7           are held or which are deemed by the board of the district to be compensatory  
8           time for parent-teacher conferences held outside regular school hours.
- 9        3. For purposes of calculating average daily membership:
- 10       a. A student enrolled full time in any grade from one through twelve may not exceed  
11       an average daily membership of 1.00. The membership may be prorated for a  
12       student who is enrolled less than full time.
- 13       b. A student enrolled full time in an approved regular education kindergarten  
14       program may not exceed an average daily membership of 1.00. The membership  
15       may be prorated for a student who is enrolled less than full time.
- 16       c. A student enrolled full time, as defined by the superintendent of public instruction,  
17       in an approved early childhood special education program may not exceed an  
18       average daily membership of 1.00. The membership may be prorated for a  
19       student who is enrolled less than full time.
- 20       d. A student enrolled in an approved early childhood education program may not  
21       exceed average daily membership of 0.50.

22        **SECTION 6. AMENDMENT.** Section 15.1-35-09 of the North Dakota Century Code is  
23        amended and reenacted as follows:

24        **15.1-35-09. Beverages - Snack breaks.**

25        During the 2013-15 biennium, a school district may utilize resources provided in accordance  
26        with subdivision lm of subsection 1 of section 15.1-27-03.1 to ensure that students who are  
27        eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act  
28        [42 U.S.C. 1751 et seq.] receive one serving of milk or juice if a mid-morning snack break is  
29        provided.