

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

That the Senate recede from its amendments as printed on pages 1608-1616 of the House Journal and pages 1320-1328 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, remove lines 20 through 24

Page 2, replace lines 1 through 9 with:

"Salaries and wages	\$18,027,035	(\$172,288)	\$17,854,747
Operating expenses	33,770,947	(472,798)	33,298,149
Integrated formula payments	2,098,202,429	33,622,571	2,131,825,000
Grants - special education	24,000,000	3,000,000	27,000,000
Grants - transportation	56,500,000	1,600,000	58,100,000
Grants - other grants	287,062,705	25,926,188	312,988,893
Grants - program grants	7,680,000	(7,680,000)	0
Grants - passthrough grants	2,863,764	(2,863,764)	0
Grants - program and passthrough	0	23,887,064	23,887,064
PowerSchool	5,500,000	(250,000)	5,250,000
National board certification	<u>108,000</u>	<u>68,290</u>	<u>176,290</u>
Total all funds	\$2,533,714,880	\$76,665,263	\$2,610,380,143
Less estimated income	<u>812,553,743</u>	<u>139,429,527</u>	<u>951,983,270</u>
Total general fund	\$1,721,161,137	(\$62,764,264)	\$1,658,396,873"

Page 2, replace lines 15 through 20 with:

"Salaries and wages	\$4,300,335	(\$160,428)	\$4,139,907
Operating expenses	1,621,917	200,786	1,822,703
Grants	<u>2,233,528</u>	<u>0</u>	<u>2,233,528</u>
Total all funds	\$8,155,780	\$40,358	\$8,196,138
Less estimated income	<u>2,374,361</u>	<u>(9,944)</u>	<u>2,364,417</u>
Total general fund	\$5,781,419	\$50,302	\$5,831,721"

Page 2, remove lines 26 through 31

Page 3, replace line 1 with:

"Salaries and wages	\$8,054,944	\$277,876	\$8,332,820
Operating expenses	1,705,586	21,500	1,727,086
Capital assets	158,678	697,500	856,178
Grants	<u>40,000</u>	<u>(40,000)</u>	<u>0</u>
Total all funds	\$9,959,208	\$956,876	\$10,916,084
Less estimated income	<u>2,430,358</u>	<u>1,079,170</u>	<u>3,509,528</u>
Total general fund	\$7,528,850	(\$122,294)	\$7,406,556"

Page 3, replace lines 7 through 12 with:

"Salaries and wages	\$4,935,291	\$56,903	\$4,992,194
Operating expenses	795,821	29,850	825,671
Capital assets	<u>39,192</u>	<u>381,500</u>	<u>420,692</u>
Total all funds	\$5,770,304	\$468,253	\$6,238,557

Less estimated income	<u>1,052,315</u>	<u>424,363</u>	<u>1,476,678</u>
Total general fund	\$4,717,989	\$43,890	\$4,761,879"

Page 3, replace lines 18 through 20 with:

"Grand total general fund	\$1,739,189,395	(\$62,792,366)	\$1,676,397,029
Grand total special funds	<u>818,410,777</u>	<u>140,923,116</u>	<u>959,333,893</u>
Grand total all funds	\$2,557,600,172	\$78,130,750	\$2,635,730,922"

Page 3, after line 27, insert:

" Regional education association grants	0	250,000
State automated reporting system maintenance	0	200,000"

Page 4, replace lines 1 through 6 with:

"Total department of public instruction - all funds	\$5,200,000	\$13,950,000
Total department of public instruction - estimated income	<u>5,000,000</u>	<u>13,750,000</u>
Total department of public instruction - general fund"	\$200,000	\$200,000

Page 4, after line 9, insert

"Operating expenses	0	21,500"
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Page 4, replace line 12 with:

"Total school for the deaf - estimated income	\$270,000	\$719,000"
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Page 4, after line 20, insert

"Vision screening devices	0	11,500"
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Page 4, after line 24 insert

"Heating, ventilation, and air conditioning upgrades	0	86,000"
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Page 4, replace lines 27 through 30 with:

"Total school for the blind - estimated income	\$280,500	\$414,500
Grand total - all funds	\$5,750,500	\$15,083,500
Grand total - estimated income	<u>5,550,500</u>	<u>14,883,500</u>
Grand total - general fund	\$200,000	\$200,000"

Page 5, line 14, replace "\$110,000,000" with "\$143,454,500"

Page 5, line 23, remove "- MEDICAID MATCHING FUNDING -"

Page 5, line 24, remove "DISTRIBUTION"

Page 5, line 25, remove "1."

Page 6, replace lines 1 through 6 with:

**"SECTION 7. MEDICAID MATCHING FUNDING - SCHOOL APPROVAL - WITHHOLDING AND DISTRIBUTION.**

1. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program for the biennium beginning July 1, 2021, and ending June 30, 2023. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.
2. State school aid payments for integrated formula payments must be reduced by the amount of funds required to be paid by school districts for school approval for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 7, replace lines 26 through 28 with:

**"SECTION 11. POSTSECONDARY TRANSITIONAL GRANT PROGRAM FUNDING.** The integrated formula payments line item in subdivision 1 of section 1 of this Act includes funding for postsecondary transitional grants. The superintendent of public instruction shall provide integrated formula payments to postsecondary transitional programs for eligible students enrolled in a postsecondary transitional program within the state at the rate provided under section 15.1-27-04.1. For purposes of this section, "eligible student" means a student with a documented intellectual or developmental disability who is at least eighteen years of age but has not reached the age of twenty-two, who has graduated from a public high school in the state or obtained an equivalent degree, and who enrolls in a postsecondary transitional program. By June thirtieth of each year, postsecondary transitional programs shall submit to the superintendent of public instruction for the reimbursement of eligible students enrolled in the program. Grant payments under this section may not exceed the per student rate under section 15.1-27-04.1. The superintendent of public instruction shall review and approve postsecondary transitional programs and develop a system for the distribution of payments necessary to implement this section.

**SECTION 12. USE OF NEW MONEY - NON-ADMINISTRATIVE PERSONNEL COMPENSATION INCREASES - REPORT TO LEGISLATIVE MANAGEMENT.**

1. During the 2021-23 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district, resulting from increases in the base integrated formula payment rate, to increase the compensation paid to non-administrative personnel.
2. For purposes of this section, the superintendent of public instruction shall provide guidance to school districts regarding the calculation of the amount of new money resulting from increases in the base integrated formula payment rate during the 2021-23 biennium."

Page 7, line 30, after the comma insert "the department of public instruction may deposit indirect cost recoveries in its operating account. In addition,"

Page 8, line 1, remove the comma

Page 8, line 2, replace "and may be spent" with ". Any funds deposited in the public instruction fund may only be spent"

Page 8, line 7, replace "\$23,733,064" with "\$23,887,064"



Page 8, after line 16, insert:

**"SECTION 16. EXEMPTION - STATE AUTOMATED REPORTING SYSTEM  
REWRITE.** Up to \$600,000 of the unexpended amount remaining from the one-time appropriation from the foundation aid stabilization fund for the state automated reporting system rewrite, as authorized in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, is not subject to the provisions of section 54-44.1-11 at the end of the 2019-21 biennium, and may be continued into the 2021-23 biennium for the purpose of continuing the state automated reporting system rewrite."

Page 9, line 16, replace "twenty-nine" with "thirty"

Page 9, line 16, replace "six" with "three"

Page 9, line 16, replace "eighty-five" with "twenty-three"

Page 10, line 22, remove "The duties of a school counselor under this section must include the academic"

Page 10, remove lines 23 through 31

Page 11, line 1, remove "4."

Page 11, line 3, replace "5." with "4."

Page 11, line 11, after "**districts**" insert "**and special education units**"

Page 11, line 27, after "chapter" insert "or any special education unit"

Page 11, line 28, after "district" insert "or special education unit"

Page 11, line 28, after "manager" insert "or to jointly employ both a special education unit director and a business manager"

Page 11, line 30, after "manager" insert "or partial reimbursement of the combined salaries of the special education unit director and the business manager"

Page 12, line 3, after "district" insert "or special education unit"

Page 12, line 5, after "manager" insert "or the special education unit director and business manager"

Page 12, line 6, after "district" insert "or special education unit"

Page 12, line 7, after "manager" insert "or of the jointly hired special education unit director and business manager"

Page 12, line 8, after "schools" insert "or special education units"

Page 12, line 9, after "schools" insert "or special education units"

Page 12, line 10, after "schools" insert "or special education units"

Page 12, line 12, after "schools" insert "or special education units"

Page 12, line 15, after "districts" insert "or special education units"

Page 12, line 19, after "manager" insert "or the salaries of the special education unit director and business manager"

Page 13, line 12, replace "19" with "22"



Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Department of Public Instruction						
Total all funds	\$2,533,714,880	\$2,574,705,359	\$35,674,784	\$2,610,380,143	\$2,920,922,022	(\$310,541,879)
Less estimated income	812,553,743	918,215,157	33,768,113	951,983,270	1,257,845,649	(305,862,379)
General fund	<u>\$1,721,161,137</u>	<u>\$1,656,490,202</u>	<u>\$1,906,671</u>	<u>\$1,658,396,873</u>	<u>\$1,663,076,373</u>	<u>(\$4,679,500)</u>
FTE	89.25	86.25	0.00	86.25	86.25	0.00
State Library						
Total all funds	\$8,155,780	\$8,204,297	(\$8,159)	\$8,196,138	\$8,196,138	\$0
Less estimated income	2,374,361	2,363,923	494	2,364,417	2,364,417	0
General fund	<u>\$5,781,419</u>	<u>\$5,840,374</u>	<u>(\$8,653)</u>	<u>\$5,831,721</u>	<u>\$5,831,721</u>	<u>\$0</u>
FTE	27.75	26.75	0.00	26.75	26.75	0.00
School for the Deaf						
Total all funds	\$9,959,208	\$10,899,230	\$16,854	\$10,916,084	\$10,916,084	\$0
Less estimated income	2,430,358	3,488,980	20,548	3,509,528	3,509,528	0
General fund	<u>\$7,528,850</u>	<u>\$7,410,250</u>	<u>(\$3,694)</u>	<u>\$7,406,556</u>	<u>\$7,406,556</u>	<u>\$0</u>
FTE	44.61	44.61	0.00	44.61	44.61	0.00
Vision Services - School for the Blind						
Total all funds	\$5,770,304	\$6,144,207	\$94,350	\$6,238,557	\$6,141,057	\$97,500
Less estimated income	1,052,315	1,526,111	(49,433)	1,476,678	1,379,178	97,500
General fund	<u>\$4,717,989</u>	<u>\$4,618,096</u>	<u>\$143,783</u>	<u>\$4,761,879</u>	<u>\$4,761,879</u>	<u>\$0</u>
FTE	27.90	27.75	0.00	27.75	27.75	0.00
Bill total						
Total all funds	\$2,557,600,172	\$2,599,953,093	\$35,777,829	\$2,635,730,922	\$2,946,175,301	(\$310,444,379)
Less estimated income	818,410,777	925,594,171	33,739,722	959,333,893	1,265,098,772	(305,764,879)
General fund	<u>\$1,739,189,395</u>	<u>\$1,674,358,922</u>	<u>\$2,038,107</u>	<u>\$1,676,397,029</u>	<u>\$1,681,076,529</u>	<u>(\$4,679,500)</u>
FTE	189.51	185.36	0.00	185.36	185.36	0.00

**House Bill No. 1013 - Department of Public Instruction - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$18,027,035	\$17,838,463	\$16,284	\$17,854,747	\$17,854,747	
Operating expenses	33,770,947	33,098,149	200,000	33,298,149	63,824,837	(\$30,526,688)
Integrated formula payments	2,098,202,429	2,098,370,500	33,454,500	2,131,825,000	2,137,350,000	(5,525,000)
Grants - Special education contracts	24,000,000	27,000,000		27,000,000	27,000,000	
Grants - Transportation	56,500,000	56,500,000	1,600,000	58,100,000	58,100,000	
Grants - Other grants	287,062,705	312,738,893	250,000	312,988,893	587,479,084	(274,490,191)
Grants - Program grants	7,680,000					
Grants - Passthrough grants	2,863,764					
PowerSchool	5,500,000	5,250,000		5,250,000	5,250,000	
National board certification	108,000	176,290		176,290	176,290	
Grants - Program and passthrough grants		23,733,064	154,000	23,887,064	23,887,064	
Total all funds	\$2,533,714,880	\$2,574,705,359	\$35,674,784	\$2,610,380,143	\$2,920,922,022	(\$310,541,879)
Less estimated income	812,553,743	918,215,157	33,768,113	951,983,270	1,257,845,649	(305,862,379)
General fund	<u>\$1,721,161,137</u>	<u>\$1,656,490,202</u>	<u>\$1,906,671</u>	<u>\$1,658,396,873</u>	<u>\$1,663,076,373</u>	<u>(\$4,679,500)</u>
FTE	89.25	86.25	0.00	86.25	86.25	0.00

## Department 201 - Department of Public Instruction - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adjusts Funding for School Approval <sup>2</sup>	Adjusts Funding for Integrated Formula Payments <sup>3</sup>	Increases Funding for Transportation Aid <sup>4</sup>	Adjusts Funding for Program and Passthrough Grants <sup>5</sup>	Adds One- Time Funding for State Automated Reporting System (STARS) Maintenance <sup>6</sup>
Salaries and wages	\$16,284					
Operating expenses						\$200,000
Integrated formula payments			\$33,454,500			
Grants - Special education contracts						
Grants - Transportation				\$1,600,000		
Grants - Other grants						
Grants - Program grants						
Grants - Passthrough grants						
PowerSchool						
National board certification						
Grants - Program and passthrough grants					\$154,000	
Total all funds	\$16,284	\$0	\$33,454,500	\$1,600,000	\$154,000	\$200,000
Less estimated income	9,613	(100,000)	33,454,500	0	154,000	0
General fund	\$6,671	\$100,000	\$0	\$1,600,000	\$0	\$200,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for Regional Education Association Grants <sup>7</sup>	Total Conference Committee Changes
Salaries and wages		\$16,284
Operating expenses		200,000
Integrated formula payments		33,454,500
Grants - Special education contracts		
Grants - Transportation		1,600,000
Grants - Other grants	\$250,000	250,000
Grants - Program grants		
Grants - Passthrough grants		
PowerSchool		
National board certification		
Grants - Program and passthrough grants		154,000
Total all funds	\$250,000	\$35,674,784
Less estimated income	250,000	33,768,113
General fund	\$0	\$1,906,671
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> The funding source for professional fees related to school approval is adjusted to provide \$100,000 from the general fund for the Department of Public Instruction's portion of the \$1,112,000 total cost, the same as the Senate version. Funding for the remaining cost will be reimbursed by school districts through an assessment withheld from school districts' integrated formula payments.

<sup>3</sup> Funding from the foundation aid stabilization fund is increased for integrated formula payments, pursuant to Conference Committee amendments to House Bill No. 1388, to provide a total of \$2,131,825,000, of which \$433,020,000 is from the state tuition fund, \$143,454,500 is from the foundation aid stabilization fund, and

\$1,555,350,500 is from the general fund. Funding is adjusted to:

- Increase funding by \$34,300,000 to provide a 1 percent increase in the integrated formula payment rate each year of the 2021-23 biennium, the same as the Senate version;
- Increase funding by \$8,254,500 related to adjustments to the school district size weighting factors for elementary schools, the same as the Senate version, and school districts with multiple buildings more than 19 miles apart, which was not included in the House or Senate version;
- Decrease funding by \$5,700,000 to remove adjustments to the transition maximum, the House and Senate versions included a 5 percent increase in the transition maximum each year of the 2021-23 biennium; and
- Decrease funding by \$3,400,000 by postponing the phase out of transition maximum adjustments to the 2023-25 biennium. The House and Senate began phasing out the transition maximum adjustments during the 2021-23 biennium.

The Senate approved formula adjustments totaling \$51,016,012, of which \$34,300,000 was provided from the foundation aid stabilization fund and \$16,716,012 was provided from the general fund. The House approved formula adjustments totaling \$12,036,512 from the general fund.

<sup>4</sup> Pursuant to House Bill No. 1027, funding for transportation aid grants is increased to provide a total of \$58.1 million, the same as the Senate version.

<sup>5</sup> Funding from special funds made available from 2019-21 biennium carryover is added to increase funding for national writing projects (\$7,500), "We the People" program (\$27,500), and rural art outreach (\$119,000) to provide the following program and passthrough grants, the same as the Senate version:

	<b>Program and Passthrough Grants</b>
Adult education matching grants	\$5,000,000
School food services matching grants	1,380,000
Free breakfast program	200,000
Program grant pool	900,000
Bismarck Gateway to Science	13,500,000
National writing projects	50,000
Rural art outreach projects	425,000
North Central Council for Education Media Services	202,300
Mentoring program	2,125,764
"We the People" program	70,000
Cultural heritage grants	<u>34,000</u>
Total program and passthrough grants	\$23,887,064

<sup>6</sup> One-time funding is added for state automated reporting system (STARS) maintenance, the same as the Senate version. In addition, a section is added to the bill to provide up to \$600,000 of the unexpended amount remaining from the one-time appropriation from the foundation aid stabilization fund for the STARS rewrite, at the end of the 2019-21 biennium may be continued into the 2021-23 biennium for continuing the STARS rewrite, the same as the Senate version.

<sup>7</sup> One-time funding is added from the federal Coronavirus Relief Fund for grants to regional education associations. The funding must be allocated based on enrollment in after school programs and distributed on a reimbursement basis for eligible expenditures. This funding was not included in the House or Senate version.

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This amendment also:

- Adds a section to authorize the department to withhold funds required to be paid by school districts for school approval, the same as the Senate version;
- Adds a section to authorize the Superintendent of Public Instruction to provide funding from the integrated formula payments line item for postsecondary transitional programs, the same as the Senate version;
- Adds a section to require school districts to use 70 percent of increased funding for integrated formula payments related to any increases in the base integrated formula payment rate for compensation increases for nonadministrative personnel, the same as the Senate version;
- Removes a section related to indirect cost recoveries and amends a section related to general educational development fees and displaced homemaker deposits to include indirect cost recoveries, the same as the Senate version;
- Amends North Dakota Century Code Section 15.1-02-02 to provide the statutory changes to adjust the Superintendent of Public Instruction's salary to reflect a 1.5 percent salary increase in the 1st year of the biennium and a 2 percent salary increase in the 2nd year of the biennium, the same as the Senate version. The superintendent's annual salary would increase from the current level of \$125,880 to \$127,768, effective



July 1, 2021, and to \$130,323, effective July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022;

- Amends Section 15.1-06-19 related to school counselors to require each school district have one school counselor for every 300 students in kindergarten through grade 6, the same as the House version. Amendments included by the House related to the duties of school counselors were not included in the Conference Committee amendments. The Senate removed the section amending Section 15.1-06-19; and
- Amends Section 15.1-27-16 to allow administrative cost-sharing reimbursement for special education units, the same as the Senate version.

The Conference Committee did not include one-time funding made available through the American Rescue Plan Act of 2021, including discretionary funding available to the Superintendent of Public Instruction (\$30,526,688) and funding to be allocated directly to school districts (\$274,740,191) which was added as an emergency measure by the Senate. This funding was appropriated in House Bill No. 1395.

The Conference Committee did not include a section, added by the Senate, to require \$260,000 provided from the general fund to be used only for the operations of the K-12 Education Coordination Council.

#### House Bill No. 1013 - State Library - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$4,300,335	\$4,148,066	(\$8,159)	\$4,139,907	\$4,139,907	
Operating expenses	1,621,917	1,822,703		1,822,703	1,822,703	
Grants	2,233,528	2,233,528		2,233,528	2,233,528	
Total all funds	\$8,155,780	\$8,204,297	(\$8,159)	\$8,196,138	\$8,196,138	\$0
Less estimated income	2,374,361	2,363,923	494	2,364,417	2,364,417	0
General fund	\$5,781,419	\$5,840,374	(\$8,653)	\$5,831,721	\$5,831,721	\$0
FTE	27.75	26.75	0.00	26.75	26.75	0.00

#### Department 250 - State Library - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	(\$8,159)	(\$8,159)
Operating expenses		
Grants		
Total all funds	(\$8,159)	(\$8,159)
Less estimated income	494	494
General fund	(\$8,653)	(\$8,653)
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

## House Bill No. 1013 - School for the Deaf - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$8,054,944	\$8,337,466	(\$4,646)	\$8,332,820	\$8,332,820	
Operating expenses	1,705,586	1,705,586	21,500	1,727,086	1,727,086	
Capital assets	158,678	856,178		856,178	856,178	
Grants	40,000					
Total all funds	\$9,959,208	\$10,899,230	\$16,854	\$10,916,084	\$10,916,084	\$0
Less estimated income	2,430,358	3,488,980	20,548	3,509,528	3,509,528	0
General fund	\$7,528,850	\$7,410,250	(\$3,694)	\$7,406,556	\$7,406,556	\$0
FTE	44.61	44.61	0.00	44.61	44.61	0.00

## Department 252 - School for the Deaf - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One-Time Funding for Operating Expenses <sup>2</sup>	Adjusts Funding Source for One-Time Boiler Replacement <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	(\$4,646)			(\$4,646)
Operating expenses		\$21,500		21,500
Capital assets				
Grants				
Total all funds	(\$4,646)	\$21,500	\$0	\$16,854
Less estimated income	(952)	21,500	0	20,548
General fund	(\$3,694)	\$0	\$0	(\$3,694)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> One-time funding is added for operating expenses to receive and expend two grants from the Department of Public Instruction to assist special education programs in assessing and responding to individual needs as a result of COVID-19 (\$11,500) and to improve graduation rates of students with disabilities through the use of evidence-based practices (\$10,000), the same as the Senate version.

<sup>3</sup> The funding source for the standby boiler upgrade and related heating, ventilation, and air conditioning is adjusted to provide \$300,000 from the federal Coronavirus Relief Fund and \$350,000 from special funds available from trust fund distributions, rents, and service revenue. The House and Senate provided \$650,000 from special funds available from trust fund distributions, rents, and service revenue for the standby boiler upgrade.

## House Bill No. 1013 - Vision Services - School for the Blind - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$4,935,291	\$4,995,344	(\$3,150)	\$4,992,194	\$4,992,194	
Operating expenses	795,821	825,671		825,671	825,671	
Capital assets	39,192	323,192	97,500	420,692	323,192	\$97,500
Total all funds	\$5,770,304	\$6,144,207	\$94,350	\$6,238,557	\$6,141,057	\$97,500
Less estimated income	1,052,315	1,526,111	(49,433)	1,476,678	1,379,178	97,500
General fund	\$4,717,989	\$4,618,096	\$143,783	\$4,761,879	\$4,761,879	\$0
FTE	27.90	27.75	0.00	27.75	27.75	0.00

**Department 253 - Vision Services - School for the Blind - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adjusts the Funding Source for 1 FTE Position <sup>2</sup>	Adds One- Time Funding for Heating, Ventilation, and Air Conditioning Updates <sup>3</sup>	Adds One- Time Funding for Vision Screening Devices <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	(\$3,150)				(\$3,150)
Operating expenses					
Capital assets			\$86,000	\$11,500	97,500
Total all funds	(\$3,150)	\$0	\$86,000	\$11,500	\$94,350
Less estimated income	(951)	(145,982)	86,000	11,500	(49,433)
General fund	(\$2,199)	\$145,982	\$0	\$0	\$143,783
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> The funding source for 1 FTE position is changed from special funds available from trust fund distributions, rents, and service revenue to funding from the general fund, the same as the Senate version.

<sup>3</sup> One-time funding from the federal Coronavirus Relief Fund is added for capital assets related to heating, ventilation, and air conditioning updates. This funding was not included in the House or Senate version.

<sup>4</sup> One-time funding is added for capital assets to receive and expend a grant from the Department of Public Instruction to purchase vision screening devices. This funding was not included in the House or Senate version.



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## ENGROSSED HOUSE BILL NO. 1013

Introduced by

Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to amend and reenact sections 15.1-02-02, 15.1-02-16, 15.1-06-19, and 15.1-27-16 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, credentialing, school counselors, and administrative cost-sharing for cooperating districts; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for reports; and to provide an expiration date.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of public instruction, the state library, the school for the deaf, and North Dakota vision services - school for the blind for the purpose of defraying the expenses of those agencies, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
<del>Salaries and wages</del>	<del>\$18,027,035</del>	<del>(\$188,572)</del>	<del>\$17,838,463</del>
<del>Operating expenses</del>	<del>33,770,947</del>	<del>(672,798)</del>	<del>33,098,149</del>
<del>Integrated formula payments</del>	<del>2,098,202,429</del>	<del>168,071</del>	<del>2,098,370,500</del>
<del>Grants - special education</del>	<del>24,000,000</del>	<del>3,000,000</del>	<del>27,000,000</del>
<del>Grants - transportation</del>	<del>56,500,000</del>	<del>0</del>	<del>56,500,000</del>

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1	<del>Grants - other grants</del>	<del>287,062,705</del>	<del>25,676,188</del>	<del>312,738,893</del>
2	<del>Grants - program grants</del>	<del>7,680,000</del>	<del>(7,680,000)</del>	<del>0</del>
3	<del>Grants - passthrough grants</del>	<del>2,863,764</del>	<del>(2,863,764)</del>	<del>0</del>
4	<del>Grants - program and passthrough</del>	<del>0</del>	<del>23,733,064</del>	<del>23,733,064</del>
5	<del>PowerSchool</del>	<del>5,500,000</del>	<del>(250,000)</del>	<del>5,250,000</del>
6	<del>National board certification</del>	<del>108,000</del>	<del>68,290</del>	<del>176,290</del>
7	<del>Total all funds</del>	<del>\$2,533,714,880</del>	<del>\$40,990,479</del>	<del>\$2,574,705,359</del>
8	<del>Less estimated income</del>	<del>812,553,743</del>	<del>105,661,414</del>	<del>918,215,157</del>
9	<del>Total general fund</del>	<del>\$1,721,161,137</del>	<del>(\$64,670,935)</del>	<del>\$1,656,490,202</del>
10	Salaries and wages	\$18,027,035	(\$172,288)	\$17,854,747
11	Operating expenses	33,770,947	(472,798)	33,298,149
12	Integrated formula payments	2,098,202,429	33,622,571	2,131,825,000
13	Grants - special education	24,000,000	3,000,000	27,000,000
14	Grants - transportation	56,500,000	1,600,000	58,100,000
15	Grants - other grants	287,062,705	25,926,188	312,988,893
16	Grants - program grants	7,680,000	(7,680,000)	0
17	Grants - passthrough grants	2,863,764	(2,863,764)	0
18	Grants - program and passthrough	0	23,887,064	23,887,064
19	PowerSchool	5,500,000	(250,000)	5,250,000
20	National board certification	108,000	68,290	176,290
21	Total all funds	\$2,533,714,880	\$76,665,263	\$2,610,380,143
22	Less estimated income	812,553,743	139,429,527	951,983,270
23	Total general fund	\$1,721,161,137	(\$62,764,264)	\$1,658,396,873
24	Full-time equivalent positions	89.25	(3.00)	86.25
25	Subdivision 2.			
26	STATE LIBRARY			
27		Adjustments or		
28		Base Level	Enhancements	Appropriation
29	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066
30	Operating expenses	1,621,917	200,786	1,822,703
31	Grants	2,233,528	0	2,233,528



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1	Total all funds	\$8,155,780	\$48,517	\$8,204,297
2	Less estimated income	2,374,361	(10,438)	2,363,923
3	Total general fund	\$5,781,419	\$58,955	\$5,840,374
4	Salaries and wages	\$4,300,335	(\$160,428)	\$4,139,907
5	Operating expenses	1,621,917	200,786	1,822,703
6	Grants	2,233,528	0	2,233,528
7	Total all funds	\$8,155,780	\$40,358	\$8,196,138
8	Less estimated income	2,374,361	(9,944)	2,364,417
9	Total general fund	\$5,781,419	\$50,302	\$5,831,721
10	Full-time equivalent positions	27.75	(1.00)	26.75

Subdivision 3.

SCHOOL FOR THE DEAF

13		Adjustments or		
14		Base Level	Enhancements	Appropriation
15	Salaries and wages	\$8,054,944	\$282,522	\$8,337,466
16	Operating expenses	1,705,586	0	1,705,586
17	Capital assets	158,678	697,500	856,178
18	Grants	40,000	(40,000)	0
19	Total all funds	\$9,959,208	\$940,022	\$10,899,230
20	Less estimated income	2,430,358	1,058,622	3,488,980
21	Total general fund	\$7,528,850	(\$118,600)	\$7,410,250
22	Salaries and wages	\$8,054,944	\$277,876	\$8,332,820
23	Operating expenses	1,705,586	21,500	1,727,086
24	Capital assets	158,678	697,500	856,178
25	Grants	40,000	(40,000)	0
26	Total all funds	\$9,959,208	\$956,876	\$10,916,084
27	Less estimated income	2,430,358	1,079,170	3,509,528
28	Total general fund	\$7,528,850	(\$122,294)	\$7,406,556
29	Full-time equivalent positions	44.61	0.00	44.61

Subdivision 4.

NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND



		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	<del>\$4,935,291</del>	<del>\$60,053</del>	<del>\$4,995,344</del>
Operating expenses	<del>795,821</del>	<del>29,850</del>	<del>825,671</del>
Capital assets	<del>39,192</del>	<del>284,000</del>	<del>323,192</del>
Total all funds	<del>\$5,770,304</del>	<del>\$373,903</del>	<del>\$6,144,207</del>
Less estimated income	<del>1,052,315</del>	<del>473,796</del>	<del>1,526,111</del>
Total general fund	<del>\$4,717,989</del>	<del>(\$99,893)</del>	<del>\$4,618,096</del>
Salaries and wages	\$4,935,291	\$56,903	\$4,992,194
Operating expenses	795,821	29,850	825,671
Capital assets	39,192	381,500	420,692
Total all funds	\$5,770,304	\$468,253	\$6,238,557
Less estimated income	1,052,315	424,363	1,476,678
Total general fund	\$4,717,989	\$43,890	\$4,761,879
Full-time equivalent positions	27.90	(0.15)	27.75

Subdivision 5.

TOTAL - SECTION 1

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	<del>\$1,739,189,395</del>	<del>(\$64,830,473)</del>	<del>\$1,674,358,922</del>
Grand total special funds	<del>818,410,777</del>	<del>107,183,394</del>	<del>925,594,171</del>
Grand total all funds	<del>\$2,557,600,172</del>	<del>\$42,352,921</del>	<del>\$2,599,953,093</del>
Grand total general fund	\$1,739,189,395	(\$62,792,366)	\$1,676,397,029
Grand total special funds	818,410,777	140,923,116	959,333,893
Grand total all funds	\$2,557,600,172	\$78,130,750	\$2,635,730,922

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Department of public instruction		

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1	Science experiments grant	\$0	\$13,500,000
2	<u>Regional education association grants</u>	<u>0</u>	<u>250,000</u>
3	<u>State automated reporting system maintenance</u>	<u>0</u>	<u>200,000</u>
4	Rapid enrollment grants	3,000,000	0
5	State automated reporting system rewrite	1,200,000	0
6	Music education grants	800,000	0
7	State school aid formula rewrite	<u>200,000</u>	<u>0</u>
8	<del>Total department of public instruction</del>	<del>\$5,200,000</del>	<del>\$13,500,000</del>
9	<del>all funds</del>		
10	<del>Total department of public instruction</del>	<del>5,000,000</del>	<del>13,500,000</del>
11	<del>estimated income</del>		
12	<del>Total department of public instruction</del>	<del>\$200,000</del>	<del>\$0</del>
13	<del>general fund</del>		
14	<u>Total department of public instruction -</u>	<u>\$5,200,000</u>	<u>\$13,950,000</u>
15	<u>all funds</u>		
16	<u>Total department of public instruction -</u>	<u>5,000,000</u>	<u>13,750,000</u>
17	<u>estimated income</u>		
18	<u>Total department of public instruction -</u>	<u>\$200,000</u>	<u>\$200,000</u>
19	<u>general fund</u>		
20	School for the deaf		
21	Extraordinary repairs	\$250,000	\$0
22	Campus server upgrade	0	7,500
23	<u>Operating expenses</u>	<u>0</u>	<u>21,500</u>
24	Equipment	20,000	40,000
25	Boiler and resource center projects	<u>0</u>	<u>650,000</u>
26	<del>Total school for the deaf - estimated income</del>	<del>\$270,000</del>	<del>\$697,500</del>
27	<u>Total school for the deaf - estimated income</u>	<u>\$270,000</u>	<u>\$719,000</u>
28	North Dakota vision services - school for the blind		
29	South wing restroom remodel	\$120,000	\$0
30	Gymnasium floor replacement	42,000	0
31	West wing roof repair	39,000	0



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1	Daily living skills area remodel	25,000	0
2	Adaptive technology equipment	20,000	0
3	Other repairs	18,500	0
4	Garage door replacement	16,000	0
5	<u>Vision screening devices</u>	<u>0</u>	<u>11,500</u>
6	Replace flooring	0	10,000
7	Replace south wing air conditioning	0	40,000
8	Repair sidewalk, roof, and parking lot	0	24,000
9	Replace doors and key system	0	45,000
10	<u>Heating, ventilation, and air conditioning upgrades</u>	<u>0</u>	<u>86,000</u>
11	Install LED lighting	0	33,000
12	South wing electrical service	0	165,000
13	<del>Total school for the blind - estimated income</del>	<del>\$280,500</del>	<del>\$317,000</del>
14	<del>Grand total - all funds</del>	<del>\$5,750,500</del>	<del>\$14,514,500</del>
15	<del>Grand total - estimated income</del>	<del>5,550,500</del>	<del>14,514,500</del>
16	<del>Grand total - general fund</del>	<del>\$200,000</del>	<del>\$0</del>
17	<u>Total school for the blind - estimated income</u>	<u>\$280,500</u>	<u>\$414,500</u>
18	<u>Grand total - all funds</u>	<u>\$5,750,500</u>	<u>\$15,083,500</u>
19	<u>Grand total - estimated income</u>	<u>5,550,500</u>	<u>14,883,500</u>
20	<u>Grand total - general fund</u>	<u>\$200,000</u>	<u>\$200,000</u>

21 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
 22 the 2023-25 biennium. The department of public instruction, school for the deaf, and North  
 23 Dakota vision services - school for the blind shall report to the appropriations committees of the  
 24 sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning  
 25 July 1, 2021, and ending June 30, 2023.

26 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$433,020,000,  
 27 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is  
 28 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund  
 29 that becomes available for distribution to public schools is appropriated to the department of  
 30 public instruction for that purpose for the biennium beginning July 1, 2021, and ending June 30,  
 31 2023.



**SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum of ~~\$110,000,000~~\$143,454,500 from the foundation aid stabilization fund for integrated formula payments.

**SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may expend funds included in the integrated formula payments and grants - special education contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational services that were due in the 2019-21 biennium but which were not filed, claimed, or properly supported by the education provider until after June 30, 2021. To be reimbursed under this section, claims must be properly supported and filed with the superintendent of public instruction by June 30, 2022.

**SECTION 6. GIFTED AND TALENTED PROGRAM--~~MEDICAID MATCHING FUNDING--~~  
~~DISTRIBUTION.~~**

~~1.~~ The sum of \$800,000, included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts or special education units for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction. The superintendent of public instruction shall encourage cooperative efforts for gifted and talented programs among school districts and special education units.

~~2. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.~~

**SECTION 7. MEDICAID MATCHING FUNDING - SCHOOL APPROVAL - WITHHOLDING AND DISTRIBUTION.**

1. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program for the biennium beginning July 1,

2021, and ending June 30, 2023. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.

2. State school aid payments for integrated formula payments must be reduced by the amount of funds required to be paid by school districts for school approval for the biennium beginning July 1, 2021, and ending June 30, 2023.

#### **SECTION 8. TRANSPORTATION GRANTS - DISTRIBUTION.**

1. During each year of the 2021-23 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:
  - a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or more passengers;
  - b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer passengers;
  - c. Fifty cents per mile, provided:
    - (1) The student being transported is a student with a disability, as defined in chapter 15.1-32;
    - (2) The student's individualized education program plan requires that the student attend a public or a nonpublic school located outside the student's school district of residence;
    - (3) The student is transported by an adult member of the student's family;
    - (4) The student is transported in a vehicle furnished by the student's parents;
    - (5) The student's transportation is paid for by the student's parents; and
    - (6) The reimbursement does not exceed two round trips daily between the student's home and school.
  - d. Fifty cents per mile, one way, provided:
    - (1) The student being transported resides more than two miles from the public school that the student attends;
    - (2) The student is transported by an adult member of the student's family;



1 (3) The student is transported in a vehicle furnished by the student's parents;  
2 and

3 (4) The student's transportation is paid for by the student's parents.

4 e. Thirty cents per student for each one-way trip.

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

7 3. This section does not authorize the reimbursement of any costs incurred in providing  
8 transportation for student attendance at extracurricular activities or events.

9 **SECTION 9. CONDITION ON APPROPRIATION FOR GRANTS - PROGRAM AND**

10 **PASSTHROUGH LINE ITEM.** The appropriation in the grants - program and passthrough line  
11 item in subdivision 1 of section 1 of this Act is conditioned on the superintendent of public  
12 instruction not using federal funds to defray the expenses of the following programs for which  
13 state funding is provided in this line item for the biennium beginning July 1, 2021, and ending  
14 June 30, 2023:

- 15 1. Adult education matching grants;  
16 2. School food services matching grants;  
17 3. Program grant pool; and  
18 4. Mentoring program.

19 **SECTION 10. REGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION.**

20 The integrated formula payments line item in subdivision 1 of section 1 of this Act includes  
21 \$500,000 from the general fund for the purpose of providing annual grants to regional education  
22 associations for the biennium beginning July 1, 2021, and ending June 30, 2023. An annual  
23 grant of \$35,714 is provided to each regional education association that exists as of July 1,  
24 2021. Regional education associations that merge during the 2021-23 biennium are entitled to  
25 the annual grants that would have been paid to each of the member associations.

26 ~~—SECTION 10. EXEMPTION - INDIRECT COST ALLOCATION. Notwithstanding section~~  
27 ~~54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its~~  
28 ~~operating account.~~

29 **SECTION 11. POSTSECONDARY TRANSITIONAL GRANT PROGRAM FUNDING.** The  
30 integrated formula payments line item in subdivision 1 of section 1 of this Act includes funding  
31 for postsecondary transitional grants. The superintendent of public instruction shall provide



1 integrated formula payments to postsecondary transitional programs for eligible students  
2 enrolled in a postsecondary transitional program within the state at the rate provided under  
3 section 15.1-27-04.1. For purposes of this section, "eligible student" means a student with a  
4 documented intellectual or developmental disability who is at least eighteen years of age but  
5 has not reached the age of twenty-two, who has graduated from a public high school in the  
6 state or obtained an equivalent degree, and who enrolls in a postsecondary transitional  
7 program. By June thirtieth of each year, postsecondary transitional programs shall submit to the  
8 superintendent of public instruction for the reimbursement of eligible students enrolled in the  
9 program. Grant payments under this section may not exceed the per student rate under section  
10 15.1-27-04.1. The superintendent of public instruction shall review and approve postsecondary  
11 transitional programs and develop a system for the distribution of payments necessary to  
12 implement this section.

13 **SECTION 12. USE OF NEW MONEY - NON-ADMINISTRATIVE PERSONNEL**  
14 **COMPENSATION INCREASES - REPORT TO LEGISLATIVE MANAGEMENT.**

- 15 1. During the 2021-23 biennium, the board of each school district shall use an amount  
16 equal to at least seventy percent of all new money received by the district, resulting  
17 from increases in the base integrated formula payment rate, to increase the  
18 compensation paid to non-administrative personnel.
- 19 2. For purposes of this section, the superintendent of public instruction shall provide  
20 guidance to school districts regarding the calculation of the amount of new money  
21 resulting from increases in the base integrated formula payment rate during the  
22 2021-23 biennium.

23 **SECTION 13. EXEMPTION - GENERAL EDUCATIONAL DEVELOPMENT FEES AND**  
24 **DISPLACED HOMEMAKER DEPOSITS.** Notwithstanding section 54-44.1-15, the department  
25 of public instruction may deposit indirect cost recoveries in its operating account. In addition,  
26 any moneys collected by the department of public instruction for general educational  
27 development fees and displaced homemakers deposits, must be deposited in the public  
28 instruction fund in the state treasury ~~and may be spent.~~ Any funds deposited in the public  
29 instruction fund may only be spent subject to appropriation by the legislative assembly.

30 **SECTION 14. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

31 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies



1 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
2 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
3 Session Laws, the lesser of ~~\$23,733,064~~ \$23,887,064 or the remaining amount must be  
4 continued into the 2021-23 biennium and the office of management and budget shall transfer  
5 this amount into the public instruction fund for the purpose of providing program and  
6 passthrough grants as appropriated in subdivision 1 of section 1 of this Act.

7 **SECTION 15. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.**

8 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies  
9 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
10 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
11 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of  
12 defraying the expenses of the dyslexia screening pilot program.

13 **SECTION 16. EXEMPTION - STATE AUTOMATED REPORTING SYSTEM REWRITE.** Up

14 to \$600,000 of the unexpended amount remaining from the one-time appropriation from the  
15 foundation aid stabilization fund for the state automated reporting system rewrite, as authorized  
16 in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, is not subject to the  
17 provisions of section 54-44.1-11 at the end of the 2019-21 biennium, and may be continued into  
18 the 2021-23 biennium for the purpose of continuing the state automated reporting system  
19 rewrite.

20 **SECTION 17. STATE AID TO PUBLIC LIBRARIES.** The grants line item in subdivision 2 of

21 section 1 of this Act includes \$1,737,582 for aid to public libraries, of which no more than  
22 one-half may be expended during the fiscal year ending June 30, 2022.

23 **SECTION 18. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**

24 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The \$40,000 appropriated for the  
25 purpose of providing grants to assist institutions under the control of the state board of higher  
26 education with the cost of interpreters and real-time captioning for students who are deaf or  
27 hard of hearing in subdivision 3 of section 1 of chapter 38 of the 2019 Session Laws and any  
28 funding continued for this purpose from prior bienniums is not subject to section 54-44.1-11. Any  
29 funds remaining must be distributed pursuant to the provisions of this section:

- 1        1.    The school for the deaf shall develop a formula to determine the grant amount for
- 2                which an institution is eligible. The formula must be based on a uniform hourly
- 3                reimbursement.
- 4        2.    To obtain a grant under this section, an institution shall submit to the school for the
- 5                deaf, at the time and in the manner directed by the school, invoices showing the
- 6                amount expended for interpreters and real-time captioning for students who are deaf
- 7                or hard of hearing.
- 8        3.    The school for the deaf may not distribute more than fifty percent of the amount
- 9                appropriated during the first year of the biennium.
- 10       4.    If any grant moneys remain undistributed at the end of the biennium, the school for the
- 11               deaf shall provide additional prorated grants to institutions that incurred, during the
- 12               biennium, hourly expenses in excess of the formula reimbursement level.
- 13       5.    At the request of an institution under the control of the state board of higher education,
- 14               the school for the deaf shall consult with the institution and provide advice regarding
- 15               the provision of services most appropriate to meet a student's needs.

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

18        **15.1-02-02. Salary.**

19        The annual salary of the superintendent of public instruction is one hundred  
20 ~~twenty-two~~twenty-seven thousand ~~eight~~seven hundred ~~ten~~sixty-eight dollars through June 30,  
21 ~~2020~~2022, and one hundred ~~twenty-five~~twenty-nine ~~thirty~~thirty thousand ~~eight~~six ~~hundred~~three hundred  
22 ~~eighty~~eighty-five ~~hundred~~twenty-three dollars thereafter.

23        **SECTION 20. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25        **15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers**  
26 **and administrators.**

27        The superintendent of public instruction may adopt rules governing the issuance of:

- 28        1.    Credentials for teachers of driver's education;
- 29        2.    Credentials for teachers of early childhood special education;
- 30        3.    Credentials for elementary school principals;
- 31        4.    Credentials for teachers of students who are emotionally disturbed;



5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing;
19. Credentials for teachers of computer and cyber science; and
20. Certificate of completion for paraprofessionals; and
21. Certificate of completion for school health technicians.

**SECTION 21. AMENDMENT.** Section 15.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-19. Counselor positions - Requirement.**

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent school counselor for every three hundred students in grades seven through twelve.
2. Beginning with the 2022-23 school year, each school district must have available one full-time equivalent school counselor for every three hundred students in grades kindergarten through six.
3. The duties of a school counselor under this section must include the academic advisement and appraisal of students, career preparation and advisement of students, assisting in the orientation of new students, interpreting aptitude and achievement tests, providing short term individual and group counseling sessions to students, presentation of age appropriate school counseling lessons to students, interpreting

~~student records, collaborating with teachers on building classroom connections,  
collaborating with school administration to identify student issues and needs,  
advocating for students, and analyzing disaggregated schoolwide data. The duties  
may not include assessment administration, clerical responsibilities, or other  
administrative duties.~~

~~2.4.~~ Up to one-third of the full-time equivalency requirement established in subsection 1  
may be met by career advisors.

~~3.5.4.~~ For purposes of this section, a "career advisor" means an individual who holds a  
certificate in career development facilitation issued by the department of career and  
technical education under section 15-20.1-24 or an individual who is provisionally  
approved by the department of career and technical education under section  
15-20.1-25 to serve as a career advisor.

**SECTION 22. AMENDMENT.** Section 15.1-27-16 of the North Dakota Century Code is  
amended and reenacted as follows:

**15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating  
districts and special education units.**

1. If any school district receiving payments under this chapter cooperates with another  
school district for the joint provision of educational services under a plan approved by  
the superintendent of public instruction, the superintendent of public instruction shall,  
notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate  
weighting factor that allows the cooperating districts to receive, for a period of four  
years, a payment rate equivalent to that which each district would have received had  
the cooperative plan not taken effect. The superintendent of public instruction shall  
compute the separate weighting factor to four decimal places and that weighting factor  
is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative  
plan approved by the superintendent of public instruction, and which has taxable  
property located in the same city as the other school district under the cooperative  
plan, may not be required as part of the cooperative plan to:
  - a. Provide unduplicated grade level services; or
  - b. Share administrative personnel.



3. If any school district receiving payments under this chapter or any special education unit cooperates with another school district or special education unit to jointly employ both a superintendent and a business manager or to jointly employ both a special education unit director and a business manager, the superintendent of public instruction shall provide partial reimbursement of the combined salaries of the superintendent and the business manager or partial reimbursement of the combined salaries of the special education unit director and the business manager as follows:
- a. If the combined salaries exceed three hundred thousand dollars, the amount of the reimbursement must be calculated based upon three hundred thousand dollars. Each cooperating school district or special education unit shall receive a prorated share of the reimbursement percentages listed below based on the percentage of full-time equivalency that the superintendent and business manager or the special education unit director and business manager are employed by each district or special education unit. The percentage of reimbursement for the combined salaries of the jointly hired superintendent and business manager or of the jointly hired special education unit director and business manager must be as follows:
- (1) If two schools or special education units are cooperating, ten percent of the combined salaries;
- (2) If three schools or special education units are cooperating, fifteen percent of the combined salaries;
- (3) If four schools or special education units are cooperating, twenty percent of the combined salaries; and
- (4) If five or more schools or special education units are cooperating, twenty-five percent of the combined salaries.
- b. To be eligible for reimbursement under this subsection, the cooperating school districts or special education units must:
- (1) Have been approved by the superintendent of public instruction and have implemented their administrative cost-sharing program after June 30, 2022;
- and



(2) Submit the salaries of the superintendent and business manager or the salaries of the special education unit director and business manager to the superintendent of public instruction by June first of each year.

**SECTION 23. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CONSTRUCTION**

**FUNDING.** During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of using up to 1 percent of common schools trust fund assets annually for school construction grants. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly.

**SECTION 24. LEARNING LOSS, ACCELERATED LEARNING RECOVERY, AND ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND - REPORT TO**

**LEGISLATIVE MANAGEMENT.** School districts receiving funds from the elementary and secondary school emergency relief fund shall provide two narrative summary reports to the superintendent of public instruction, including information regarding learning losses of students identified within the district, including subgroup gaps; school district plans to accelerate learning recovery for all students, including closing subgroup gaps; uses of elementary and secondary school emergency relief funds, including the percentage of those funds expended in categories determined by the superintendent of public instruction; and the impact elementary and secondary school emergency relief fund expenditures had on accelerating the learning recovery for the districts' students. The first school district report must be submitted to the superintendent of public instruction by December 1, 2021. An aggregated report must be presented by the superintendent of public instruction to the legislative management by June 1, 2022. The second school district report must be submitted to the superintendent of public instruction by December 1, 2022. An aggregated report must be presented by the superintendent of public instruction to the sixty-eighth legislative assembly.

**SECTION 25. EXPIRATION DATE.** Section ~~49~~22 of this Act is effective through June 30, 2024, and after that date is ineffective.