

Introduced by

Senator Poolman

Representative Martinson

1 A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota  
2 Century Code, relating to school district payments to postsecondary transitional programs for  
3 students on individualized education programs; ~~and to amend and reenact section 15.1-27-03.1~~  
4 ~~of the North Dakota Century Code, relating to the addition of students on individualized~~  
5 ~~education programs enrolled in postsecondary transitional programs to the weighted average~~  
6 ~~daily membership calculation.~~

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

8 ~~SECTION 1. AMENDMENT.~~ Section 15.1-27-03.1 of the North Dakota Century Code is  
9 ~~amended and reenacted as follows:~~

10 ~~15.1-27-03.1. Weighted average daily membership – Determination. (Effective through~~  
11 ~~June 30, 2021)~~

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

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

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

17 ~~c. 0.40 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 least proficient and placed in the first~~  
20 ~~of six categories of proficiency; and~~

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

22 ~~d. 0.28 the number of full-time equivalent students who:~~

23 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
24 ~~public instruction are determined to be more proficient than students placed~~

- 1                                   in the first of six categories of proficiency and therefore placed in the second  
2                                   of six categories of proficiency; and  
3 ~~(2) Are enrolled in a program of instruction for English language learners;~~  
4 ~~e. 0.25 the number of full-time equivalent students under the age of twenty-one~~  
5 ~~enrolled in grades nine through twelve in an alternative high school;~~  
6 ~~f. 0.20 the number of full-time equivalent students enrolled in a home-based~~  
7 ~~education program and monitored by the school district under chapter 15.1-23;~~  
8 ~~g. 0.17 the number of full-time equivalent students enrolled in an early childhood~~  
9 ~~special education program;~~  
10 ~~h. 0.15 the number of full-time equivalent students in grades six through eight~~  
11 ~~enrolled in an alternative education program for at least an average of fifteen~~  
12 ~~hours per week;~~  
13 ~~i. 0.10 the number of students enrolled in average daily membership, if the district~~  
14 ~~has fewer than one hundred students enrolled in average daily membership and~~  
15 ~~the district consists of an area greater than two hundred seventy-five square~~  
16 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~  
17 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~  
18 ~~fifty students in average daily membership must be deemed to have an~~  
19 ~~enrollment equal to fifty students in average daily membership;~~  
20 ~~j. 0.082 the number of students enrolled in average daily membership, in order to~~  
21 ~~support the provision of special education services;~~  
22 ~~k. 0.07 the number of full-time equivalent students who:~~  
23 ~~(1) On a test of English language proficiency approved by the superintendent of~~  
24 ~~public instruction are determined to be more proficient than students placed~~  
25 ~~in the second of six categories of proficiency and therefore placed in the~~  
26 ~~third of six categories of proficiency;~~  
27 ~~(2) Are enrolled in a program of instruction for English language learners; and~~  
28 ~~(3) Have not been in the third of six categories of proficiency for more than~~  
29 ~~three years;~~  
30 ~~l. 0.025 the number of students representing that percentage of the total number of~~  
31 ~~students in average daily membership which is equivalent to the three-year~~

1 average percentage of students in grades three through eight who are eligible for  
2 free or reduced lunches under the Richard B. Russell National School Lunch Act  
3 [42 U.S.C. 1751 et seq.];

4 ~~m. 0.002 the number of students enrolled in average daily membership in a school~~  
5 ~~district that is a participating member of a regional education association meeting~~  
6 ~~the requirements of chapter 15.1-09.1; and~~

7 ~~n. 0.50 the number of students by which the district's September tenth enrollment~~  
8 ~~report exceeds the number of students in the prior year's average daily~~  
9 ~~membership.~~

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 ~~**Weighted average daily membership -- Determination. (Effective after June 30, 2021)**~~

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 ~~c. 0.40 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. 0.28 the number of full-time equivalent students who:~~

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

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

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

- 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.];~~

- 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 ~~n. 0.60 the number of students by which the district's September tenth enrollment~~  
5 ~~report exceeds the number of students in the prior year's average daily~~  
6 ~~membership increasing the factor annually by 0.10, not to exceed 1.00; and~~  
7 ~~o. For districts paid based on September tenth enrollment in the prior year, 0.50 the~~  
8 ~~number of students determined by deducting the number of students in the prior~~  
9 ~~year's September tenth enrollment from the prior year's average daily~~  
10 ~~membership, increasing the factor annually by 0.10, not to exceed 1.00. If the~~  
11 ~~prior year's September tenth enrollment exceeds the prior year's average daily~~  
12 ~~membership, then a deduction of 0.50 the number of excess students, increasing~~  
13 ~~the factor annually by 0.10, not to exceed 1.00.~~  
14 ~~p. 1.00 the number of students ages eighteen to twenty-one with a documented~~  
15 ~~intellectual or developmental disability, on an individualized education program,~~  
16 ~~enrolled in a postsecondary transitional program in a district outside the student's~~  
17 ~~district of residence.~~  
18 ~~2. The superintendent of public instruction shall determine each school district's~~  
19 ~~weighted average daily membership by adding the products derived under~~  
20 ~~subsection 1 to the district's average daily membership.~~

21 **SECTION 1.** A new section to chapter 15.1-27 of the North Dakota Century Code is created  
22 and enacted as follows:

23 **Transitional program payments - Students - Individualized education program.**

24 Any school district of residence receiving payments under this chapter shall provide  
25 payments to postsecondary transitional programs for eligible students enrolled in a  
26 postsecondary transitional program within the state. For purposes of this section, "eligible  
27 student" means a student between the ages of eighteen and twenty-one with a documented  
28 intellectual or developmental disability, who is on an individualized education program, and who  
29 enrolls in a postsecondary transitional program in a district outside the student's district of  
30 residence. Payments made by a school district of residence to a postsecondary transitional  
31 program under this section may not exceed the per student rate under section 15.1-27-04.1.