

HOUSE BILL NO. 1349

Introduced by

Representatives Murphy, Ista, Jonas, O'Brien, Sanford, Timmons, Warrey

Senator Barta

1 A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century
2 Code, relating to the weighted average daily membership.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-27-03.1. Weighted average daily membership - Determination. (~~Effective through~~**
7 **~~June 30, 2021~~)**

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

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

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

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

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

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

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- 1 e. ~~0.25 the number of full-time equivalent students under the age of twenty-one~~
2 ~~enrolled in grades nine through twelve in an alternative high school;~~
- 3 f. ~~0.20 the number of full-time equivalent students enrolled in a home-based~~
4 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 5 g. ~~0.17 the number of full-time equivalent students enrolled in an early childhood~~
6 ~~special education program;~~
- 7 h. ~~0.15 the number of full-time equivalent students in grades six through eight~~
8 ~~enrolled in an alternative education program for at least an average of fifteen~~
9 ~~hours per week;~~
- 10 i. ~~0.10 the number of students enrolled in average daily membership, if the district~~
11 ~~has fewer than one hundred students enrolled in average daily membership and~~
12 ~~the district consists of an area greater than two hundred seventy-five square~~
13 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
14 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
15 ~~fifty students in average daily membership must be deemed to have an~~
16 ~~enrollment equal to fifty students in average daily membership;~~
- 17 j. ~~0.082 the number of students enrolled in average daily membership, in order to~~
18 ~~support the provision of special education services;~~
- 19 k. ~~0.07 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 more proficient than students placed~~
22 ~~in the second of six categories of proficiency and therefore placed in the~~
23 ~~third of six categories of proficiency;~~
- 24 ~~(2) Are enrolled in a program of instruction for English language learners; and~~
- 25 ~~(3) Have not been in the third of six categories of proficiency for more than~~
26 ~~three years;~~
- 27 l. ~~0.025 the number of students representing that percentage of the total number of~~
28 ~~students in average daily membership which is equivalent to the three-year~~
29 ~~average percentage of students in grades three through eight who are eligible for~~
30 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
31 ~~[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; and~~
- 4 n. ~~0.50 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.~~
- 7 2. ~~The superintendent of public instruction shall determine each school district's weighted-~~
8 ~~average daily membership by adding the products derived under subsection 1 to the-~~
9 ~~district's average daily membership.~~

10 **Weighted average daily membership – Determination. (Effective after June 30, 2021)**

- 11 1. For each school district, the superintendent of public instruction shall multiply by:
- 12 a. 1.00 the number of full-time equivalent students enrolled in an extended
13 educational program in accordance with section 15.1-32-17;
- 14 b. 0.60 the number of full-time equivalent students enrolled in a summer education
15 program, including a migrant summer education program;
- 16 c. 0.40 the number of full-time equivalent students who:
- 17 (1) On a test of English language proficiency approved by the superintendent of
18 public instruction are determined to be least proficient and placed in the first
19 of six categories of proficiency; and
- 20 (2) Are enrolled in a program of instruction for English language learners;
- 21 d. 0.28 the number of full-time equivalent students who:
- 22 (1) On a test of English language proficiency approved by the superintendent of
23 public instruction are determined to be more proficient than students placed
24 in the first of six categories of proficiency and therefore placed in the second
25 of six categories of proficiency; and
- 26 (2) Are enrolled in a program of instruction for English language learners;
- 27 e. 0.25 the number of full-time equivalent students under the age of twenty-one
28 enrolled in grades nine through twelve in an alternative high school;
- 29 f. 0.20 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;

- 1 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
2 special education program;
- 3 h. 0.15 the number of full-time equivalent students in grades six through eight
4 enrolled in an alternative education program for at least an average of fifteen
5 hours per week;
- 6 i. 0.10 the number of students enrolled in average daily membership, if the district
7 has fewer than one hundred students enrolled in average daily membership and
8 the district consists of an area greater than two hundred seventy-five square
9 miles [19424.9 hectares], provided that any school district consisting of an area
10 greater than six hundred square miles [155399 hectares] and enrolling fewer than
11 fifty students in average daily membership must be deemed to have an
12 enrollment equal to fifty students in average daily membership;
- 13 j. ~~0.08~~0.125 the number of students enrolled in average daily membership, in
14 order to support the provision of special education services;
- 15 k. 0.07 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 more proficient than students placed
18 in the second of six categories of proficiency and therefore placed in the
19 third of six categories of proficiency;
- 20 (2) Are enrolled in a program of instruction for English language learners; and
- 21 (3) Have not been in the third of six categories of proficiency for more than
22 three years;
- 23 l. 0.025 the number of students representing that percentage of the total number of
24 students in average daily membership which is equivalent to the three-year
25 average percentage of students in grades three through eight who are eligible for
26 free or reduced lunches under the Richard B. Russell National School Lunch Act
27 [42 U.S.C. 1751 et seq.];
- 28 m. 0.002 the number of students enrolled in average daily membership in a school
29 district that is a participating member of a regional education association meeting
30 the requirements of chapter 15.1-09.1;

- 1 n. 0.60 the number of students by which the district's September tenth enrollment
2 report exceeds the number of students in the prior year's average daily
3 membership increasing the factor annually by 0.10, not to exceed 1.00; and
4 o. For districts paid based on September tenth enrollment in the prior year, 0.50 the
5 number of students determined by deducting the number of students in the prior
6 year's September tenth enrollment from the prior year's average daily
7 membership, increasing the factor annually by 0.10, not to exceed 1.00. If the
8 prior year's September tenth enrollment exceeds the prior year's average daily
9 membership, then a deduction of 0.50 the number of excess students, increasing
10 the factor annually by 0.10, not to exceed 1.00.
- 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.