

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

In lieu of the amendments adopted by the House as printed on pages 1447-1455 of the House Journal, Reengrossed Senate Bill No. 2284 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-06 and a new section to chapter 15.1-32 of the North Dakota Century Code, relating to school purchases of gifts or gratuities and permitting private tutors on public school premises; to"

Page 1, line 1, replace "section 15.1-01-01" with "sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26"

Page 1, line 2, replace the first "subsection" with "subsections 2 and"

Page 1, line 4, after "members" insert ", virtual learning, a policy to revert a reorganized school district back to separate districts, school district enrollment"

Page 1, line 5, after the second quotation mark insert ", a school district's policy governing possession of a weapon"

Page 1, line 5, after the third quotation mark insert "dangerous"

Page 1, line 7, after "a" insert "legislative management"

Page 1, line 7, after "report" insert "; to provide for a teacher shortage and military families task force"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 5 with:

"SECTION 1. AMENDMENT. Section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-01-03. State board of public school education - Powers and duties.

1. The state board of public school education shall:
 - a. Assist county committees in carrying out their duties.
 - b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.
 - c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
 - d. Provide oversight for regional education associations as required by chapter 15.1-09.1.

- e. Establish and certify a North Dakota learning continuum to allow a district-approved, mastery framework policy to award units required under sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time requirements under section 15.1-21-03, upon the recommendation of the kindergarten through grade twelve education coordination council.
 - f. Develop a policy and procedures for a school district formed by the reorganization process under chapter 15.1-12 to revert to individual school districts. For a reorganized school district to be eligible for the reversion process, the reorganized school district must have been formed by school districts located in two or more communities, including a rural community, and may not have been formed by school districts that were located in the same city. The board shall develop the policy and procedures on or before January 1, 2024.
2. The state board of public school education may adopt rules in accordance with chapter 28-32.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Purchase of gifts or gratuities - Gift fund.

1. A public school or school district may create a gift fund. The gift fund may not include state funds.
2. A public school or school district may use funds from the gift fund to purchase an item as a gift or gratuity for an individual, including a school district employee, an individual who speaks or performs at a school function, or a guest on the school premises.
3. For purposes of this section, "gift" includes:
 - a. A beverage, food item, or refreshment;
 - b. For parent-teacher conferences, beverages, food items, or refreshments, costing no more than twenty-five dollars per teacher;
 - c. A catered meal costing no more than fifty dollars per meal;
 - d. Pens, notepads, or other promotional materials;
 - e. An item of cultural significance, including a quilt, basket, beadwork, sage, or quillwork;
 - f. An award or incentive, as approved by the superintendent of public instruction or the superintendent's designee; and
 - g. Any other item of de minimis value.

SECTION 3. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide ~~biennial reports~~ an annual report to the legislative management ~~regarding in even-numbered years and the legislative assembly in odd-numbered years comparing the academic performance metrics of students participating in virtual instruction with students not participating in virtual instruction~~ using state assessment data. If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of low group size, information must be reported in the aggregate.

SECTION 4. AMENDMENT. Section 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district demographics enrollment - Long-term planning process Review - Report.

1. Between January first and June thirtieth of every even-numbered year, the board of each school district shall invite the public to participate in a ~~planning process review~~ addressing the effects that demographics might decreasing or increasing enrollment will have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on:
 - a. ~~Academic and extracurricular programs~~ achievement, as it relates to the local strategic plan, including progress toward state academic goals adopted by the statewide prekindergarten through grade twelve education strategic vision steering committee;
 - b. ~~Instructional and~~ administrative, and ancillary staffing;
 - c. Co-curricular or extracurricular programs;
 - d. Facility needs and utilization; and
 - e. District property tax levies.
2. At the conclusion of the ~~planning process review~~, the board shall prepare a report, ~~publish a notice in the official newspaper of the district indicating that the report is available~~ make the report available on the district website, and make the report available upon request."

Page 3, after line 9, insert:

"SECTION 6. AMENDMENT. Subsection 2 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must prohibit:

- a. Prohibit the possession of a dangerous weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. ~~Punishment must include immediate suspension from school and expulsion. A~~
- b. Require a student who possesses a firearm in violation of this section ~~must~~ to be expelled for at least one year. ~~The school district firearms policy must authorize~~
- c. Authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
- d. Include a referral mechanism to the criminal justice or juvenile delinquency system for a student who possesses a firearm in violation of this subsection."

Page 3, line 13, after "a." insert "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

b."

Page 3, line 15, overstrike "b." and insert immediately thereafter "c."

Page 3, remove lines 18 through 31

Page 4, remove lines 1 through 3

Page 5, line 8, overstrike "0.082" and insert immediately thereafter "0.088"

Page 5, line 27, after "report" insert ", adjusted for students that will generate average daily membership."

Page 5, line 31, after "enrollment" insert ", adjusted for students that will generate average daily membership."

Page 6, line 12, after "enrollment" insert ", adjusted for students that will generate average daily membership."

Page 6, line 21, remove the overstrike over "For"

Page 6, line 21, remove the overstrike over "school districts that operate multiple"

Page 6, line 22, remove the overstrike over "kindergarten through grade twelve buildings at least"

Page 6, line 22, after "nineteen" insert "fourteen"

Page 6, line 22, remove the overstrike over "miles-"

Page 6, line 22, after "~~30.58~~" insert "22.53"

Page 6, line 22, remove the overstrike over "~~kilometers]~~"

Page 6, line 23, remove the overstrike over "~~apart, or multiple buildings at least~~"

Page 6, line 23, after "nineteen" insert "fourteen"

Page 6, line 23, remove the overstrike over "~~miles]~~"

Page 6, line 23, after "~~30.58~~" insert "22.53"

Page 6, line 23, remove the overstrike over "~~kilometers]~~ apart with no"

Page 6, remove the overstrike over line 24

Page 6, line 25, remove the overstrike over "~~size weighting factor for each building separately~~" and insert immediately thereafter ", with no adjustment for elementary schools"

Page 6, line 25, remove the overstrike over "~~. The superintendent of public~~"

Page 6, remove the overstrike over lines 26 through 30

Page 9, line 29, replace "~~forty-four~~" with "ninety-five"

Page 10, line 4, replace "~~forty-four~~" with "ninety-five"

Page 10, line 11, replace "~~eight hundred sixty~~" with "nine hundred thirteen"

Page 10, line 17, replace "~~eight hundred sixty~~" with "nine hundred thirteen"

Page 16, line 18, replace "~~forty-four~~" with "ninety-five"

Page 16, line 24, replace "~~forty-four~~" with "ninety-five"

Page 16, line 31, replace "~~eight hundred sixty~~" with "nine hundred thirteen"

Page 17, line 6, replace "~~eight hundred sixty~~" with "nine hundred thirteen"

Page 20, after line 13, insert:

"**SECTION 12.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Private tutors.

A board of a school district may adopt a policy to permit private tutors to provide tutoring services on school premises."

Page 20, line 26, replace "~~fifty~~" with "fifteen"

Page 20, line 30, replace "~~forty~~" with "twelve"

Page 21, after line 3, insert:

- "e. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.
- f. A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may

apply for a loan in an amount equal to the difference between fifteen million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"SECTION 14. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE BOARD OF PUBLIC SCHOOL EDUCATION.

1. During the 2023-24 interim, the legislative management shall consider studying the composition of the state board of public school education. The study must include:
 - a. An analysis of the state board of public school education boundaries, including a comparison of methodologies for creating the boundaries;
 - b. An analysis of the inclusion of representatives from small, large, urban, and rural schools on the board;
 - c. An evaluation of term limits for board members, including staggering terms to ensure continuity of knowledge;
 - d. An evaluation of the benefits and consequences of requiring the composition of the board to include two school district superintendents, two members of a board of a school district, and two citizens at large;
 - e. An evaluation of the benefits and consequences of requiring a minimum or maximum number of candidates to be submitted to the governor and permitting the governor to request a new list of potential candidates once; and
 - f. An analysis of the role and practices of the county superintendent of schools.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.

1. During the 2023-24 interim, the legislative management shall study school choice models implemented nationally for kindergarten through grade twelve schools, including charter schools, magnet schools, private schools, voucher systems, and home schools. The study must include input from stakeholders, including public and nonpublic teachers and administrators, parents of students, representatives from the department of public instruction, a representative from the governor's office, and representatives from regional education associations. The study also must include the following, supported by quantitative data:
 - a. A review of regulations and methods for accountability by state regulatory agencies for various school choice models;
 - b. A comparison of nontraditional school choice models implemented by rural states;

- c. An analysis of the impact of enrollment fluctuation, including the impact on state aid;
 - d. A review of the state's student population, enrollment capacity and tuition costs of nonpublic schools, and the capacity of nonpublic schools to provide services to students with special needs; and
 - e. A comparison of achievement data between public schools and nontraditional schools in other states.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 16. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE - REPORT TO LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the superintendent of public instruction shall establish a teacher shortage and military families task force to examine employer recruitment needs, applicable state regulations, and benefit options for kindergarten through grade twelve educators within the state, including potential barriers to military personnel and spouses teaching in the classroom. The task force shall identify immediate and long-term public policy strategies to address teacher shortage and support for military families and spouses. The task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 17. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS FOR FREE MEALS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public school at or below two hundred percent of the federal poverty guideline, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall develop guidelines and reporting requirements for the grants."

Page 21, line 12, remove "out of any"

Page 21, line 13, replace "moneys in the public instruction fund in the state treasury, not otherwise appropriated" with "from federal funds derived from the elementary and secondary school emergency education relief fund"

Page 21, after line 23, insert:

"SECTION 19. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$279,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in identification of dyslexia characteristics to one educator in every school that instructs students in kindergarten through third grade for one year, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING. There is appropriated out of any moneys in the public instruction fund in

the state treasury, not otherwise appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in a reading learning platform approved by the superintendent of public instruction to one educator in every school that instructs students in kindergarten through third grade for two years, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 21, line 28, replace "\$1,000,000" with "\$837,000"

Page 21, line 30, remove "professional learning related to the science of"

Page 22, line 1, replace "reading and implementing systematic direct literacy instruction" with "training in identification of dyslexia characteristics and reading training for kindergarten through grade three teachers"

Page 22, line 1, replace "section 10" with "sections 19 and 20"

Page 22, line 5, replace "\$75,000,000" with "\$40,000,000"

Page 22, line 8, replace "5" with "9"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2284 - Department of Public Instruction - House Action

	Base Budget	Senate Version \$1,000,000	House Changes \$6,837,000	House Version \$1,000,000 6,837,000
Science of reading Grants - program grants				
Total all funds	\$0	\$1,000,000	\$6,837,000	\$7,837,000
Less estimated income	0	1,000,000	837,000	1,837,000
General fund	\$0	\$0	\$6,000,000	\$6,000,000
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of House Changes

	Adds Funding for School Meal Grants ¹	Adds Funding for Training Programs ²	Total House Changes
Science of reading Grants - program grants	\$6,000,000	\$837,000	\$6,837,000
Total all funds	\$6,000,000	\$837,000	\$6,837,000
Less estimated income	0	837,000	837,000
General fund	\$6,000,000	\$0	\$6,000,000
FTE	0.00	0.00	0.00

¹ Ongoing funding of \$6 million from the general fund is added for grants to school districts for school meal expenses related to free meals for all qualifying students at or below 200 percent of the federal poverty guideline.

² Funding of \$837,000 of other funds, derived from 2021-23 biennium unspent general fund appropriation authority for state school aid transferred to the department's operating fund, is added for dyslexia identification training (\$279,000) and for reading learning platform training (\$558,000).

This amendment also:

- Changes the funding source for the \$1 million science of reading appropriation from the public instruction fund to the federal Elementary and Secondary School Emergency Relief (ESSER) Fund.
- Decreases the transfer from the foundation aid stabilization fund to the school construction assistance revolving loan fund by \$35 million, from \$75 million to \$40 million.

- Adjusts the K-12 education funding formula.

