

2023 SENATE EDUCATION

SB 2284

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2284
2/1/2023

Relating to the state board of public-school education members, definition of “probationary teacher”, definition of “weapon”, modification of weighting factors and transition maximums, increase in per student payments, and professional development for reading; to provide for a transfer and effective date.

3:05 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Policy issue
- Phantom student
- 2% loans
- Common schools trust fund

Sen Schaible, Dist 31, bill sponsor testified in support. #18258, #18638.

Rep Richter, Dist 1, testified in support #18637; brought amendment 23.0697.01002 #20505.

Dr Aimee Copas, ND Council of Educational Leaders, testified in support. #18623.

Dr Jeff Fastnacht, Asst Mandan Schools, testified in support #18221.

Alexia Baxley, NDSBA, testified in support with amendment #18293.

Bob Marthaller. ND United, testified in support. #18295.

Duane Poitra, Belcourt Business Manager, testified in support. #18662.

Scott Davis, Belcourt, New Town & Ft Yates Schools, testified in support. #18672.

Kelvin Hullet, Bank of ND, testified neutral. #18666.

Adam Tescher, DPI Financial Officer testified neutral. #18558.

Maria Neset, Governor’s Office, testified neutral with no written testimony.

Additional written testimony:

Josh Johnson, Supt Valley City School, in support #18241.

5:43 PM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2284
2/6/2023

Relating to the state board of public school education members, the definition of “probationary teacher”, the definition of “weapon”, an increase in per student payments, and professional development for reading; to provide for a transfer; provide an effective date.

10:00 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

10:03 AM Kristen Baesler, ND Supt Dept of Public Instruction, testified #19312

Sen Conley moved Amendment 23.0697.01004. #19318

Sen Lemm seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	N

VOTE: YES – 5 NO – 1 Absent – 0

Motion PASSED

Sen Conley moved a DO PASS as Amended and be Rereferred to Appropriations.

Sen Lemm seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	N

VOTE: YES – 5 NO – 1 Absent - 0

Motion PASSED

Sen Elkin will carry the bill.

10:15 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

February 2, 2023

Atx
2-6-23
(1-2)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 14, line 19, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium."

(3)"

Page 14, line 19, after "revenue" insert "and revenues received under section 57-51-15"

Page 14, line 19, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 14, line 21, overstrike "2020" and insert immediately thereafter "2022"

Page 14, line 22, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 8, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium."

(3)"

Page 21, line 8, after "revenue" insert "and revenues received under section 57-51-15"

Page 21, line 8, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 21, line 10, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 11, overstrike "2020" and insert immediately thereafter "2022"

Page 22, after line 18, insert:

"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more

appropriately. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

AG
2-6-23
(2-2)

SECTION 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.

There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.

Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2284: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 14, line 19, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 14, line 19, after "revenue" insert "and revenues received under section 57-51-15"

Page 14, line 19, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 14, line 21, overstrike "2020" and insert immediately thereafter "2022"

Page 14, line 22, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 8, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 21, line 8, after "revenue" insert "and revenues received under section 57-51-15"

Page 21, line 8, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 21, line 10, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 11, overstrike "2020" and insert immediately thereafter "2022"

Page 22, after line 18, insert:

"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation

more appropriately. 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 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.

There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.

Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

ReNUMBER accordingly

2023 SENATE APPROPRIATIONS

SB 2284

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2284
2/15/2023

Relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.
--

5:22 PM Chairman Bekkedahl calls the meeting to order.

Members present: **Senators Bekkedahl, Burckhard, Davison, Dever, Dwyer, Erbele, Krebsbach, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.**

Discussion Topics:

- Funding
- Board membership

Senator Schaible verbally introduced the bill in support (#20940).

5:42 PM Chairman Bekkedahl closed the hearing.

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
2/17/2023

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

8:34 AM Chairman Sorvaag opened the meeting on SB 2284.

Members present: Senators Sorvaag, Krebsbach, Rust, Schaible, and Meyer

Discussion Topics:

- Public schools
- Weighting factors
- Per student payments

8:34 AM Senator Schaible introduced amendment LC 23.0697.02001. #21080

8:35 AM Senator Schaible moved to adopt amendment 23.0697.02001. Senator Rust seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y

Motion passed 5-0-0.

8:36 AM Senator Schaible moved DO PASS AS AMENDED.
Senator Meyer seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y

Motion passed 5-0-0.

Senate Appropriations Education and Environment Division
SB 2284
February 17, 2023
Page 2

Senator Schaible will carry the bill to full committee.

8:37 AM Chairman Sorvaag closed the meeting.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2284
2/17/2023

Relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

10:00 AM Chairman Bekkedahl opened the meeting on SB 2238.

Members present: **Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.**

Discussion Topics:

- Committee Action

10:02 AM Senator Schaible introduced the bill and proposed amendment LC 23.0697.02001

10:04 AM Senator Schaible moved to adopt Amendment LC 23.0697.02001
Senator Meyer seconded.

10:04 AM Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator Rust	Y

Passed 16-0-0

10:05 AM Senator Schaible moves DO PASS as AMENDED.

10:05 AM Senator Meyer seconded.

10:12 AM Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator Rust	Y

Passed 16-0-0

Senator Schaible will carry the bill.

10:13 AM Chairman Bekkedahl closed the meeting.

Peter Gualandri on behalf of Kathleen Hall, Committee Clerk

February 16, 2023

AG
2-17-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2284

Page 13, line 6, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 13, remove lines 7 through 9

Page 13, line 10, remove "(3)"

Page 13, line 10, remove "and revenues received under section"

Page 13, line 11, remove "57-51-15"

Page 13, line 11, remove the overstrike over "~~paragraph 1~~"

Page 13, line 11, remove "paragraphs 1 and 2"

Page 19, line 29, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 19, remove line 30

Page 20, remove lines 1 and 2

Page 20, line 3, remove "(3)"

Page 20, line 3, remove "and revenues received under section"

Page 20, line 4, remove "57-51-15"

Page 20, line 4, remove the overstrike over "~~paragraph 1~~"

Page 20, line 4, remove "paragraphs 1 and 2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2284, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2284 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 13, line 6, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 13, remove lines 7 through 9

Page 13, line 10, remove "(3)"

Page 13, line 10, remove "and revenues received under section"

Page 13, line 11, remove "57-51-15"

Page 13, line 11, remove the overstrike over "~~paragraph 4~~"

Page 13, line 11, remove "paragraphs 1 and 2"

Page 19, line 29, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 19, remove line 30

Page 20, remove lines 1 and 2

Page 20, line 3, remove "(3)"

Page 20, line 3, remove "and revenues received under section"

Page 20, line 4, remove "57-51-15"

Page 20, line 4, remove the overstrike over "~~paragraph 4~~"

Page 20, line 4, remove "paragraphs 1 and 2"

Re-number accordingly

2023 HOUSE EDUCATION

SB 2284

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2284
3/13/2023

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

2:30 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Legislative districts vs counties
- SBPE appointments
- CARES and ESSER dollars
- Online formula
- Secured two-tiered system
- Study school transportation funding
- Science of Reading funding
- School loan construction program
- Proposed amendments
- Legislative Management study
- Weapons definition
- Transition maximum
- Per student state rate
- At large board member

In favor:

Sen Don Schaible, District 31, introduced SB 2284, Testimony 24147, 24415
Rep David Richter, District 1, presented proposed amendment, Testimony 24426
Kirsten Baesler, State Superintendent, DPI, proposed amendment, Testimony 24357, 24441
Dr. Aimee Copas, Executive Director, NDCEL, oral testimony
Kylee Merkel, Business Banker, Bank of ND, Testimony 24450
Alexis Baxley, Executive Director NDSBA, Testimony 24106
Duane Poitra, business manager, Belcourt School District, member of Turtle Mountain Band of Chippewa, Testimony 24471
Scott Davis, Belcourt and New Town Public Schools, Testimony 24414
Robert Marthaller, ND United, Testimony 24136

House Education Committee

SB 2284

3/13/23

Page 2

In opposition

Mike McHugh, CTE teacher, ESSA committee, family engagement cabinet, State Board of Public School Education and CTE, Testimony 24354

3:48 PM Chairman Heinert closed the hearing.

Chairman Heinert appointed the following Subcommittee:
Rep Hauck, Chairman, and Representatives Jonas, Conmy and Heilman.

3:50 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2284
3/15/2023

Subcommittee Meeting

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

4:39 PM

Chairman Hauck called the subcommittee meeting to order. Present were Chairman Hauck, Representatives Jonas, Conmy and Heilman. Also present was Kirsten Baesler, State Superintendent, DPI.

Discussion Topics:

- Current board
- Land annexation
- Legislative districts
- County lines
- Redistribution of county populations
- Term limits
- Reexamine population
- CTE
- Legislative management study

Kirsten Baesler, State Superintendent, ND DPI, Testimony 25398

5:15 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2284
3/20/2023
Subcommittee Meeting

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

10:00 AM

Chairman Hauck called the subcommittee meeting to order. Present were Chairman Hauck, Representatives Jonas, Conmy and Heilman. Also present: Alexis Baxley, Aimee Copas, Brian Duscherer, Jeff Fastnacht, Mike McHugh, Mike Heilman, Levi Bachmeier, Chad Oban

Discussion Topics:

- School operations knowledge
- REA reviews
- Audit review
- Programing review
- Learning continuum
- CTE board duties
- State board of public education duties
- Small and large school superintendents
- Counties to legislative districts
- Redistricting
- Legislative district changes
- Population
- County superintendent role study
- Significant previous knowledge
- Board member list
- Annexations

Aaron Birst, Executive Director, ND Association of Counties, was asked to come forward and answer questions

The Subcommittee agreed to recommend a study to the full committee.

Additional Testimony: #25857, 25859, 25968

10:56 AM Chairman Hauck closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2284
3/28/2023

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

10:01 AM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Section 1 – Amendment 23.0697.03015
- Section 2 – Amendment 23.0697.03013
- Spouses of active military, Testimony 26907
- Section 3 –Amendment 23.0697.03014
- Section 9 –Amendment 23.0697.03014
- Section 4 – Amendment 23.0697.03016
- Section 4&5 – Amendment 23.0697.03009

Kirsten Baesler, State Superintendent, ND DPI, called forward to answer questions
Alexis Baxley, Executive Director NDSBA, called forward to answer questions
Rep Dori Hauck, Testimony 26832, 26859
Rep Heinert presented Rep Richter’s amendment, Testimony 26904, 26905
Rep Schreiber-Beck, Testimony 26839, 26907
Rep Longmuir, Testimony 26908, 26909
Dr. Aimee Copas, Executive Director, NDCEL, called forward to answer questions
Rep Timmons, Testimony 26906
Adam Tescher, School Finance Officer, ND DPI, called forward to answer questions

Rep Schreiber-Beck moved to adopt Amendment 23.0697.03013, seconded by Rep Heilman. **Vote vote, Motion carried.**

Rep Murphy moved to adopt Amendment 23.0697.03014, seconded by Rep Longmuir. **Voice vote, Motion carried.**

Rep Murphy moved to adopt Option B, (Special Ed factor per pupil payment of 3.5% for the first year and 3% the second year) of Amendment 23.0697.03016, seconded by Rep Conmy. **Voice vote was undetermined; therefore, a roll call vote was called.**

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

8-6-0 Motion carried

Rep Timmons moved to adopt Amendment 23.0697.03009, seconded by Rep Murphy.

Voice vote, motion carried.

11:53 AM meeting adjourned.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2284
3/28/2023

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

3:00 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Task force
- Employer recruitment
- Applicable state regulations
- Benefit options
- E-12 ND educators
- Military personnel and spouses barriers
- Pension or retirement plans actuary
- Section 10 clarification
- Regional Education Association (REA)

Rep. Schreiber-Beck, proposed military spouse benefit amendment, Testimony 26914

Adam Tescher, School Finance Officer, ND DPI, called forward to answer questions
Kirsten Baesler, State Superintendent, ND DPI, called forward to answer questions

3:48 PM meeting adjourned

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2284
3/28/2023

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

5:00 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Amendment 23.0697.03003
- Amendment 23.0697.03008
- Amendment 23.0697.03010
- Amendment 23.0697.03011
- School Choice Model Force
- Amendment 23.0697.03002
- Free meal grant
- Amendment 23.0362.04002
- Amendment 23.0697.03018

Rep Schreiber-Beck, Testimony 26963, 26964, 26965, 26966, 26967, 26968, 26969, 26970
Kirsten Baesler, State Superintendent, ND DPI, called forward to answer questions
Ann Ellefson, Academic Development Director, Academic Support, ND DPI
Rep Heinert, Testimony 26962
Rep Hauck, Testimony 26960, 26961

Rep Hager moved to adopt Section 11 of Amendment 23.0697.03003 (Testimony 26970), seconded by Rep Schreiber-Beck.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y

Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	AB
Representative Kelby Timmons	N

6-7-1 Motion failed.

Rep Schreiber-Beck moved Section 12 of Amendment 23.0697.03003 (Testimony 26970), seconded by Rep Marschall. **Voice vote was undetermined.**

A roll call vote was called:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	AB
Representative Kelby Timmons	N

8-5-1 Motion carried.

Rep Schreiber-Beck moved to adopt Section 13 of Amendment 23.0697.03003 (Testimony 26970), seconded by Rep Jonas.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	AB
Representative Kelby Timmons	Y

9-4-1 Motion carried.

Rep Schreiber-Beck moved to adopt Section 15 of Amendment 23.0697.03003 (Testimony 26970), seconded by Rep Murphy.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	AB
Representative Kelby Timmons	N

8-5-1 Motion carried.

Rep Schreiber-Beck moved to adopt Page 1 of the handout to Amendment 23.0697.03008 (Testimony 26969), seconded by Rep Conmy.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	N
Representative Kelby Timmons	N

6-8-0 Motion failed.

Rep Schreiber-Beck moved to adopt Section 2 of Page 2 Amendment 23.0697.03008 (Testimony 26969), seconded by Rep Conmy. **Voice vote, motion carried.**

Rep Schreiber-Beck moved to adopt Section 2 of Amendment 23.0697.03010 (Testimony 26968), seconded by Rep Conmy. **Motion withdrawn.**

Rep Schreiber-Beck moved to amend Section 2 of Amendment 23.0697.03010 to remove everything after the word “year” in Subsection 3, (Testimony 26968), seconded by Rep Hager. **Voice vote. Motion carried.**

Rep Schreiber-Beck moved to adopt increasing duties of the Superintendent of Public Instruction with a Task Force, Amendment 23.0697.03011 (Testimony 26967), seconded by Rep. Murphy. **Motion was withdrawn.**

Rep Schreiber-Beck moved to adopt increasing duties of the Superintendent of Public Instruction with a Task Force, Amendment 23.0697.03011 (Testimony 26967), and amendment Section 2 Subsection 11 of Section 15 to be effective through December 31, 2024, seconded by Rep Murphy.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	N
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

1-13-0 Motion failed.

Rep Schreiber-Beck moved to adopt the School Choice Model Task Force (Testimony 26966), seconded by Rep Novak.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

2-12-0 Motion failed.

Rep Longmuir moved to adopt Amendment 23.0697.03002 (Testimony 26965), seconded by Rep Hager.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

10-4-0 Motion carried.

Rep Schreiber-Beck moved to adopt an amendment for a \$6,000,000 appropriation - grants for free meals (Testimony 26964), seconded by Rep Longmuir.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

8-6-0 Motion carried.

Rep Schreiber-Beck moved to adopt Amendment 23.0362.04002 (Testimony 26963), seconded by Rep Hager.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y

Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

3-11-0 Motion failed.

Rep Hauck moved to adopt Amendment 23.0697.0318 (Testimony 26960 and 26961), seconded by Rep Schreiber-Beck. **Voice vote, motion carried.**

7:36 PM meeting adjourned

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2284
3/29/2023

Relating to the state board of public school education members, the definition of “probationary teacher” and the definition of “weapon”, modification of weighting factor and transition maximums, and an increase in per student payments; to provide for a legislative management study, to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide for an effective date.

2:55 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Constitutionality of bill title
- Chairman’s authority
- revolving loan fund

Rep Heinert, Testimony 27016, 27017

Rep Hoverson, Testimony 27096

Kiley Merkel, Bank of ND, answered questions

Rep Dyk moved to remove in Section 1, Page 3, Lines 28-31, and Page 4, Lines 1-3, seconded by Rep Heilman.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	Y

6-8-0 Motion failed.

Rep Hoverson moved a motion to challenge the Chairman's authority, seconded by Rep Dyk.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	Y

6-8-0 Motion failed.

Rep Schreiber-Beck moved a motion in Section 17, to strike Legislative Management and put duties under Superintendent of Public Instruction, seconded by Rep Murphy. **Motion was withdrawn.**

Rep Schreiber-Beck moved a motion in Section 17 to put the Task Force under the duties of the Superintendent of Public Instruction, seconded by Rep Murphy.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	N
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

10-3-1 Motion carried.

Rep Dyk moved to remove Section 18, seconded by Rep Heilamn.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N

Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

5-8-1 Motion failed.

Rep Heilman moved to eliminate Section 20, seconded by Rep Timmons.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	Y

4-9-1 Motion failed.

Rep Dyk moved to eliminate Section 21, seconded by Rep Heilman.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N

Representative Anna S. Novak	N
Representative Kelby Timmons	Y

4-9-1 Motion failed.

Rep Murphy moved to correct Section 23 Line 11 to read \$837,000 instead of \$887,000, seconded by Rep Schreiber-Beck.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

13-0-1 Motion carried.

Rep Schreiber-Beck moved to add in Section 27, after the word "Emergency", to add, "Section 13 of", seconded by Rep Hager.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

13-0-1 Motion carried.

Rep Murphy moved a Do Pass as Amended and Rerefer to Appropriations on SB 2284, seconded by Rep Jonas.

Representatives	Vote
Representative Pat D. Heinert	
Representative Cynthia Schreiber-Beck	
Representative Liz Conmy	
Representative Scott Dyk	
Representative LaurieBeth Hager	
Representative Dori Hauck	
Representative Matt Heilman	
Representative Jeff A. Hoverson	
Representative Jim Jonas	
Representative Donald W. Longmuir	
Representative Andrew Marschall	
Representative Eric James Murphy	
Representative Anna S. Novak	
Representative Kelby Timmons	

9-4-1 Motion carried. Rep Heinert is carrier.

3:59 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

JA
03-29-23

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert ", 15.1-36-02, and 15.1-36-04"

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 "teacher"" 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 6, after "maximums" insert ", loans from the coal development trust fund, evidences of indebtedness"

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, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to declare an emergency"

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.

9

JA
3-29-23

- 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:

JA
3-29-23

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 under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. 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, the district shall provide the annual report required under this section for the district's comparison data.

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 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~~ submit the report to the superintendent of public instruction by August first of each even-numbered year, make the report available on the district website, and make the report available upon request.

3. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly."

2A
3-29-23

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."

24
3-29-23

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 school district shall permit private tutors to provide tutoring services on school premises.

SECTION 13. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, or an emergency repair or situation, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order ~~if~~ the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.
 - a. For a loan made under this section:

24
3-29-23

- a. (1) The minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is ~~two~~five million dollars;
- b. (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
- e. (3) The interest rate of the loan may not exceed two percent per year.
- b. For a loan made under this section which includes additional expenses due to unanticipated construction inflation:
 - (1) The unanticipated construction inflation must have occurred for a construction project bid after January 1, 2021, and before June 30, 2024;
 - (2) The maximum loan amount for which a school district may qualify is five million dollars;
 - (3) The interest rate on the loan may not exceed two percent per year;
 - (4) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - (5) The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
- 5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating that the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require that the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.

6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

04
3-29-23

SECTION 14. AMENDMENT. Section 15.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-04. Evidences of indebtedness.

The board of a school district may issue and sell evidences of indebtedness under ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the loan amount for which the district is eligible under this chapter 21-03. Evidences of indebtedness issued under this chapter constitute a general obligation of the school district."

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 fifty million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"SECTION 16. 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.

Handwritten red text: 3-29-23

SECTION 17. 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 18. 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, after line 23, insert:

SECTION 20. 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 21. 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 22, line 1, replace "10" with "19"

Page 22, after line 2, insert:

"SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.

Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$837,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding training in identification of dyslexia characteristics and reading training for kindergarten through grade three teachers as appropriated in sections 20 and 21 of this Act."

KA
3-28-23

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

Page 22, after line 8 insert:

"SECTION 26. EXPIRATION DATE. Section 13 of this Act is effective through June 30, 2025, and after that date is ineffective.

SECTION 27. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2284, as reengrossed: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2284 was placed on the Sixth order on the calendar.

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 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert ", 15.1-36-02, and 15.1-36-04"

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 "teacher"" 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 6, after "maximums" insert ", loans from the coal development trust fund, evidences of indebtedness"

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, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to declare an emergency"

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 and 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 under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. 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, the district shall provide the annual report required under this section for the district's comparison data.

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 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
 - d.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~~ submit the report to the superintendent of public instruction by August first of each even-numbered year, make the report available on the district website, and make the report available upon request.
3. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly."

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 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 school district shall permit private tutors to provide tutoring services on school premises.

SECTION 13. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, or an emergency repair or situation, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order ~~the~~ the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.
 - a. For a loan made under this section:
 - ~~a-~~ (1) The minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is ~~two~~five million dollars;
 - ~~b-~~ (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - ~~e-~~ (3) The interest rate of the loan may not exceed two percent per year.
 - b. For a loan made under this section which includes additional expenses due to unanticipated construction inflation:

- (1) The unanticipated construction inflation must have occurred for a construction project bid after January 1, 2021, and before June 30, 2024;
 - (2) The maximum loan amount for which a school district may qualify is five million dollars;
 - (3) The interest rate on the loan may not exceed two percent per year;
 - (4) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - (5) The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating that the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require that the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.
6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

SECTION 14. AMENDMENT. Section 15.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-04. Evidences of indebtedness.

The board of a school district may issue and sell evidences of indebtedness under ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the loan amount for which the district is eligible under this chapter 21-03. Evidences of indebtedness issued under this chapter constitute a general obligation of the school district."

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 fifty million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"SECTION 16. 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 17. 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 18. 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, after line 23, insert:

SECTION 20. 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 21. 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 22, line 1, replace "10" with "19"

Page 22, after line 2, insert:

"SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$837,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding training in identification of dyslexia characteristics and reading training for kindergarten through grade three teachers as appropriated in sections 20 and 21 of this Act."

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

Page 22, after line 8 insert:

"SECTION 26. EXPIRATION DATE. Section 13 of this Act is effective through June 30, 2025, and after that date is ineffective.

SECTION 27. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

2023 HOUSE APPROPRIATIONS

SB 2284

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

SB 2284
4/4/2023

A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02, subsection 6 of section 15.1-19-10, section 15.1-21-12.1, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, an increase in per student payments, and professional development for reading; to provide for a transfer; and to provide an effective date

9:00 AM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Vice Chairman Swiontek,
Representatives: Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- State Board of Public Education
- Gifting Fund
- Virtual Instruction Framework
- Enrollment Report
- Probationary Teachers
- Dangerous Weapons
- Student Enrollment for Special Education
- Daily Membership
- Per Pupil Payment
- Private Tutors
- Coal Development Trust Fund
- School Construction Projects
- Shell Consider Study
- Teacher Shortage on Military Bases
- Providing Free Meals to All Students
- Science of Reading
- Dyslexia Identification Training
- Reading Platform Training
- Transfer of Public Instruction Funds
- Teacher Training
- Revolving Loan Fund
- Coal Trust Fund Loans
- Foundation Aid Stabilization Fund
- Credit Enhancement Project
- Task Force for Education Funding

Chairman Heinert presented SB 2284, #27275.

Adam Tescher, Assistant Director of School Finance Officer answered questions regarding SB 2284.

Kirsten Baesler, ND Superintendent of Schools answered questions regarding SB 2284.

Kelvin Hullet, Chief Business Development Officer answered questions regarding SB 2284, #27276.

10:17 AM Chairman Nathe closed the meeting.

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

SB 2284
4/10/2023

A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02, subsection 6 of section 15.1-19-10, section 15.1-21-12.1, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, an increase in per student payments, and professional development for reading; to provide for a transfer; and to provide an effective date

2:42 PM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Vice Chairman Swiontek,
Representatives: Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- Funding Formula for Special Education
- Per Pupil Increase
- Special Education Funding
- Property Tax Reduction
- Foundation Aid Increase
- Compensation for Educators
- Construction Loans
- Coal Fund
- Free Meals
- Transfer of Revolving Fund

Adam Tescher, Assistant Director of School Finance Officer answered questions regarding SB 2284.

3:13 PM Chairman Nathe closed the meeting.

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

SB 2284
4/11/2023

A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02, subsection 6 of section 15.1-19-10, section 15.1-21-12.1, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, an increase in per student payments, and professional development for reading; to provide for a transfer; and to provide an effective date

2:27 PM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Vice Chairman Swiontek,
Representatives: Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- SB 1532
- School Choice
- Method to Fund Education
- Funding Formula
- Private Schools
- Combining School Districts
- High-Cost Students

Representative Richter opened the discussion on SB 2284.

Representative Martinson moved the amendment 23.0267.02003, #27455.

Representative Martinson rescinded his motion.

Committee Discussion

Representative Martinson recommended to strike "consider" in the amendment.

Representative Richter moved the amendment 23.0267.02003, without the word "consider".

Representative Martinson seconded.

Committee Discussion

Roll Call Vote:

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	N
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y

Motion carried 6-1-0.

Representative Richter proposed the amendment 23.0267.03032, #27456.

Representative Sanford moved amendment 23.0267.03032.

Representative Martinson seconded.

Adam Tescher, School Finance Officer, DPI, answered questions on SB 2284.

Roll Call Vote:

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y

Motion carried 7-0-0.

Representative Richter moved the amendments to SB 2284.

Vice Chairman Swiontek seconded.

Roll Call Vote:

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N

Motion carried 6-1-0.

Representative Richter moved do pass SB 2284 as amended.

Representative Sanford seconded.

Roll Call Vote:

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N

Motion carried 6-1-0.

3:06 PM Chairman Nathe closed the meeting.

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2284
4/18/2023

Relating to school purchases of gifts or gratuities and permitting private tutors on public school premises;
--

1:06 PM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members present; Chairman Vigesaa, Representatives B. Anderson, Brandenburg, Hanson, Kreidt, Martinson, Mitskog, Meier, Mock, Monson, Nathe, J. Nelson, O'Brien, Pyle, Richter, Sanford, Schatz, Schobinger, Strinden, G. Stemen and Swiontek.

Members not Present- Representatives Bellew and Kempenich

Discussion Topics:

- Amendment
- Committee Action

Representative Richter- Gives statement of purpose and amendment 23.0697.03034 (Testimony #27670)

Representative Richter- Move to Adopt Amendment 23.0697.03034

Representative Nathe Seconds the Motion

Adam Tesh-School Finance Officer- Answers questions for the committee

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 20-0-3

Representative Monson Move to further amend by taking the free lunch poverty levels from 200% down to 185%.

Representative Meier-Seconds the motion

Committee Discussion Roll call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	N
Representative Gary Kreidt	Y
Representative Bob Martinson	N
Representative Lisa Meier	Y
Representative Alisa Mitskog	N
Representative Corey Mock	N
Representative David Monson	Y
Representative Mike Nathe	N
Representative Jon O. Nelson	N
Representative Emily O'Brien	N
Representative Brandy Pyle	N
Representative David Richter	N
Representative Mark Sanford	N
Representative Mike Schatz	A
Representative Randy A. Schobinger	N
Representative Greg Stemen	N
Representative Michelle Strinden	N
Representative Steve Swiontek	N

Motion Fails 5-15-3

Representative Hanson- Explains proposed amendment (Testimony #27671) Move to amend and change federal poverty level from 200% to 500% for the free lunch program.

Representative J. Nelson- Seconds the Motion

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	N
Representative Keith Kempenich	A
Representative Bert Anderson	N
Representative Larry Bellew	A
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	N
Representative Bob Martinson	N
Representative Lisa Meier	N
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	N
Representative Mike Nathe	N
Representative Jon O. Nelson	N
Representative Emily O'Brien	N
Representative Brandy Pyle	N
Representative David Richter	N
Representative Mark Sanford	N
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	N
Representative Michelle Strinden	N
Representative Steve Swiontek	N

Motion Fails 4-16-3

Representative Richter- Moves to further amend by moving section 12 to new section so tutoring will apply to all students

Representative Strinden Seconds the motion.

Committee Discussion Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y

Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 20-0-3

2:04 PM Representative Richter- Move to Further amend by removing 1 million dollars from ESSER funds back to general funds.

Representative Nathe Seconds the Motion

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 20-0-3

Representative J. Nelson- Move to further amend by changing thresholds in subsection A to 15 million and subsection B to 25 million

Representative G. Stemen- Seconds the motion.

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	A
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 19-0-4

Adam Teshler-School Finance Officer- Answers questions for the committee

Representative Richter- Move for a Do Pass as Amended

Representative Nathe Seconds the Motion

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A

Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 20-1-2 Representative Richter will carry the bill

Chairman Vigesaa Closed the meeting for SB 2284

Risa Berube, Committee Clerk

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 15.1-21 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, replace "the state board of public school education members" with "a policy to revert a reorganized school district back to separate districts, virtual learning, 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 5, replace "and" with a comma

Page 1, line 6, remove the comma

Page 1, line 6, after "payments" insert ", and the school construction revolving loan fund"

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.

- AG
4-11-23
(2-8)
- 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:

AG
4-14-23
(3-8)

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 under this section 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
 - d.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:

- AG
4-19-23
(4-8)
- 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~~ 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, replace lines 1 through 3 with:

"SECTION 8. A new section to chapter 15.1-21 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 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."

AG
4-19-23
(5-8)

- 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, line 20, overstrike "ten" and insert immediately thereafter "fifteen"
- Page 20, line 24, overstrike "eight" and insert immediately thereafter "twelve"
- Page 20, line 26, replace "fifty" with "twenty-five"
- Page 20, line 30, replace "forty" with "twenty"
- 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.

- AG
4-19-23
(6-8)
- f. A district that qualifies for a loan under subdivision a, 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.
 - g. 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 twenty-five 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:

AG
4-19-23
(7-8)

- 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 shortages 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, 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.

AG
4-19-23
(8-8)

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 "\$1,837,000"

Page 22, line 1, after "instruction" insert ", training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers"

Page 22, line 1, remove "section 10 of"

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

Page 22, line 8, replace "5" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Science of reading Grants - program grants		\$1,000,000	\$6,837,000	\$1,000,000 6,837,000
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:

- 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.

REPORT OF STANDING COMMITTEE

SB 2284, as reengrossed and amended: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Reengrossed SB 2284, as amended, was placed on the Sixth order on the calendar.

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 15.1-21 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, replace "the state board of public school education members" with "a policy to revert a reorganized school district back to separate districts, virtual learning, 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 5, replace "and" with a comma

Page 1, line 6, remove the comma

Page 1, line 6, after "payments" insert ", and the school construction revolving loan fund"

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 under this section 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
 - d.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, replace lines 1 through 3 with:

"SECTION 8. A new section to chapter 15.1-21 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 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 "Før"

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, line 20, overstrike "ten" and insert immediately thereafter "fifteen"

Page 20, line 24, overstrike "eight" and insert immediately thereafter "twelve"

Page 20, line 26, replace "fifty" with "twenty-five"

Page 20, line 30, replace "forty" with "twenty"

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 a, 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.
- g. 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 twenty-five 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 shortages 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, 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 "\$1,837,000"

Page 22, line 1, after "instruction" insert ", training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers"

Page 22, line 1, remove "section 10 of"

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

Page 22, line 8, replace "5" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Science of reading		\$1,000,000		\$1,000,000
Grants - program grants			\$6,837,000	6,837,000
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:

- 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.

2023 CONFERENCE COMMITTEE

SB 2284

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
4/25/2023

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

11:00 AM Chairman Senator Schaible opened the conference committee meeting. Members present: Senators Schaible, Elkin, and Axtman; and Representatives Heinert, Richter, and Hanson.

Discussion Topics:

- Public schools
- State board structure
- Private tutors
- Weighting factors
- Funding formula
- Per student payments
- Task force or study
- Transfer of funds
- Legislative intent
- Free meal grants
- Virtual learning platforms
- School consolidations/dissolutions
- Conference committee discussion

11:01 AM Representative Richter explains the changes made by the House, review of Second Engrossed Reengrossed Senate Bill No 2284 (Christmas tree version), testimony #27890.

11:13 AM Adam Tescher, School Finance Director Department of Public Instruction, answered questions from the committee, no written testimony

11:21 AM Representative Heinert answered questions from the committee, no written testimony.

11:33 AM Committee discussion on proposed amendment ideas, no particular language provided, no written testimony

11:57 AM Chairman Schaible closed the meeting.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
4/25/2023

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

3:31 PM Chairman Senator Schaible opened the conference committee meeting on SB2284.

Members present: Senators Schaible, Elkin, and Axtman; and Representatives Heinert, Richter, and Hanson.

Discussion Topics:

- Public schools
- Free/reduced meal grants
- Study language
- Special needs students
- School construction
- Legislative intent language
- Conference committee discussion

3:32 PM Committee discussion on topics in disagreement, no written testimony

3:58 PM Chairman Schaible closed the meeting.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
4/26/2023

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

11:32 AM Chairman Senator Schaible opened the conference committee meeting on SB2284.

Members present: Senators Schaible, Elkin, and Axtman; and Representatives Heinert, Richter, and Hanson.

Discussion Topics:

- Public schools
- State board structure
- Gifting issues
- Required reports
- Private tutors
- Similar funding treatment
- School construction
- School transportation
- Conference committee discussion

11:33 AM Committee review of the bill changes made by the House, section by section, testimony # 27890.

12:00 PM Chairman Schaible closed the meeting.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
4/26/2023

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

2:37 PM Chairman Senator Schaible opened the conference committee meeting on SB2284.

Members present: Senators Schaible, Elkin, and Axtman; and Representatives Heinert, Richter, and Hanson.

Discussion Topics:

- Public schools
- School construction
- Tier system
- Bonds/loans
- Mandates
- Dyslexia programs
- Transportation
- Military family study
- Conference committee discussion

2:37 PM Senator Schaible introduced a School Construction Revolving Loan Fund Scenario, testimony # 27921.

2:38 PM Adam Tescher, School Finance Director North Dakota Department of Instruction, answered questions from the committee, testimony # 27921.

2:46 PM Kylee Merkel, Bank of North Dakota, answered questions from the committee, no written testimony.

Committee discussion on bill, testimony # 27890.

3:27 PM Chairman Schaible closed the meeting.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2284
4/26/2023

Conference Committee

A BILL for an Act relating to the state board of public school education members, the definition of "probationary teacher", the definition of "weapon", modification of weighting factors and transition maximums, and an increase in per student payments; to provide for a legislative management study; to provide a report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

7:30 PM Chairman Senator Schaible opened the conference committee meeting on SB 2284.

Members present: Senators Schaible, Elkin, and Axtman; and Representatives Heinert, Richter, and Hanson.

Discussion Topics:

- Public schools
- Board studies
- Gifting
- Virtual learning
- Reports and studies
- Enrollment demographics
- Private tutors
- Per-pupil payment
- School construction
- Refinance loans
- Transportation study
- School choice models
- Teacher shortage task force
- Military family task force
- Grants for free meals
- Dyslexia training
- Virtual learning
- Conference committee discussion

7:33 PM Committee discussion on Reengrossed Senate Bill by Sections, testimony # 27890.

8:13 PM Adam Tescher, School Finance Director North Dakota Department of Instruction, answered questions from the committee, testimony # 27923.

8:41 PM Representative Heinert proposed language for School Choice Models, testimony #27920.

8:58 PM Recess

9:14 PM Senator Schaible reviewed the issues to discuss, no written testimony.

9:14 PM Senator Axtman introduced amendment suggestions, no drafted amendments, language in testimony # 27924.

9:28 PM Senator Axtman moved to adopt an amendment to study virtual learning storm days. Representative Hanson seconded the motion.

Motion passed 6-0-0.

Committee discussion continued.

9:56 PM Aimee Copas, North Dakota Council for Educational Leaders, answered questions from the committee, no written testimony.

9:59 PM Sheila Sandness, Legislative Council, answered questions from the committee, review of proposed amendment to be written, testimony # 27890.

10:28 PM Representative Hanson moved to recede from House amendments and adopt the amendment as discussed, that will be LC 23.0697.03038. Senator Axtman seconded the motion.

Motion passed 6-0-0.

10:29 PM Chairman Schaible closed the meeting.

Kathleen Hall, Committee Clerk

DR
177
4-28-23

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

That the House recede from its amendments as printed on pages 1781-1788 of the Senate Journal and pages 2085-2092 of the House Journal and that Reengrossed Senate Bill No. 2284 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to permitting private tutors on public school premises; to"

Page 1, line 1, replace "15.1-01-01" with "15.1-07-26"

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

Page 1, line 4, replace "the state board of public school education members" with "school district enrollment"

Page 1, line 5, after the first comma 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 5, replace "and" with a comma

Page 1, line 6, remove the comma

Page 1, line 6, after "payments" insert ", and the school construction revolving loan fund"

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

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 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district demographics and 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 ~~may~~ invite the public to participate in a ~~planning process~~ review addressing the effects that demographics ~~might~~ and changing 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;

DR
2f9
4-28-23

- c. Co-curricular or extracurricular programs:
- d. Facility needs and utilization; and
- d.e. District property tax levies.

2. ~~At the conclusion of the planning process review, the board shall~~ is encouraged to 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 3. 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~~ 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, replace lines 1 through 3 with:

"SECTION 5. A new section to chapter 15.1-21 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."

OK
3/7
4-28-23

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

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

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 and insert immediately thereafter:

"SECTION 9. AMENDMENT. Subsection 4 of section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For for school districts that operate multiple kindergarten through grade twelve buildings at least fourteen miles [22.53 kilometers] apart, or multiple buildings at least fourteen miles [22.53 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately, ~~with no adjustment for elementary schools~~. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units."

DR
4/9
4-28-23

- Page 9, line 29, replace "five hundred forty-four" with "six hundred forty-six"
- Page 10, line 4, replace "five hundred forty-four" with "six hundred forty-six"
- Page 10, line 6, overstrike "fifteen" and insert immediately thereafter "forty-five"
- Page 10, line 10, overstrike "ten" and insert immediately thereafter "eleven"
- Page 10, line 11, replace "eight hundred sixty" with "seventy-two"
- Page 10, line 16, overstrike "ten" and insert immediately thereafter "eleven"
- Page 10, line 17, replace "eight hundred sixty" with "seventy-two"
- Page 10, line 19, overstrike "thirty" and insert immediately thereafter "sixty"
- Page 10, line 20, overstrike "2022-23" and insert immediately thereafter "2024-25"
- Page 16, line 18, replace "five hundred forty-four" with "six hundred forty-six"
- Page 16, line 24, replace "five hundred forty-four" with "six hundred forty-six"
- Page 16, line 26, overstrike "fifteen" and insert immediately thereafter "forty-five"
- Page 16, line 30, overstrike "ten" and insert immediately thereafter "eleven"
- Page 16, line 31, replace "eight hundred sixty" with "seventy-two"
- Page 17, line 5, overstrike "ten" and insert immediately thereafter "eleven"
- Page 17, line 6, replace "eight hundred sixty" with "seventy-two"
- Page 17, line 8, overstrike "thirty" and insert immediately thereafter "sixty"
- Page 17, line 9, overstrike "2022-23" and insert immediately thereafter "2024-25"
- Page 20, line 20, overstrike "ten" and insert immediately thereafter "fifteen"
- Page 20, line 24, overstrike "eight" and insert immediately thereafter "twelve"
- Page 20, line 26, replace "fifty" with "thirty"
- Page 20, line 30, replace "forty" with "twenty-four"
- 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 a, 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. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.
- g. 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 thirty million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.

DR
589
4-28-23

Page 21, replace lines 4 through 10 with:

"SECTION 12. 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 13. 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 implemented by state regulatory agencies to ensure accountability for various school choice models;

- b. A comparison of nontraditional school choice models implemented by other 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 and enrollment capacity and tuition costs of nonpublic schools; and
 - e. A review of services nonpublic schools are able to offer students with special needs.
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.

DR
679
4-28-23

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - TEACHER SHORTAGE AND MILITARY FAMILY WORKFORCE. During the 2023-24 interim, the legislative management shall consider studying 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 study should identify immediate and long-term public policy strategies to address teacher shortages and support for military families and spouses. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - VIRTUAL INSTRUCTION IN LIEU OF STORM DAYS. During the 2023-24 interim, the legislative management shall consider studying the feasibility, desirability, and impact of replacing storm days with virtual instruction days. The study must include input from the department of public instruction, public school administrators and teachers, and other stakeholders. The study also must include a review of relevant statutes, plans approved by school boards, and current practices related to storm days. 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. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA - SCHOOL TRANSPORTATION STUDY - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of a school transportation study, for the biennium beginning July 1, 2023, and ending June 30, 2025. The funding provided in this section is considered a one-time funding item.

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 or nonpublic 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, after line 23, insert:

OK
789
4-28-23

"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 for the biennium beginning July 1, 2023, and ending June 30, 2025. Each school that instructs students in kindergarten through third grade may apply to the department for funding to train at least one educator in the identification of dyslexia characteristics.

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, for the biennium beginning July 1, 2023, and ending June 30, 2025."

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

Page 22, line 1, after "instruction" insert ", training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers"

Page 22, line 1, remove "section 10 of"

Page 22, line 8, replace "5" with "7"

Page 22, line 8, after the period insert "Section 9 of this Act becomes effective on July 1, 2028."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2284 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Department of Public Instruction						
Total all funds	\$0	\$1,000,000	\$6,837,000	\$7,837,000	\$7,837,000	\$0
Less estimated income	0	1,000,000	837,000	1,837,000	1,837,000	0
General fund	\$0	\$0	\$6,000,000	\$6,000,000	\$6,000,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
University of North Dakota						
Total all funds	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	\$0	\$1,000,000	\$6,842,000	\$7,842,000	\$7,837,000	\$5,000
Less estimated income	0	1,000,000	837,000	1,837,000	1,837,000	0
General fund	\$0	\$0	\$6,005,000	\$6,005,000	\$6,000,000	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Senate Bill No. 2284 - Department of Public Instruction - Conference Committee Action

DR
889
4-28-23

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

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

	Adds Funding for School Meal Grants ¹	Adds Funding for Training Programs ²	Total Conference Committee 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, the same as the House version.

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), the same as the House version.

This amendment also:

- Includes a transfer of \$75 million from the foundation aid stabilization fund to the school construction assistance revolving loan fund. The Senate also included a transfer of \$75 million, but the House provided a transfer of \$40 million.
- Adjusts the K-12 education funding formula.

The Conference Committee also continued \$1 million of unexpended funding provided for integrated formula payments during the 2021-23 biennium to the 2023-25 biennium and requires the funding to be deposited in the department's operating fund. The Conference Committee appropriated the funding from the department's operating fund to the Department of Public Instruction to support professional learning related to the science of reading and implement literacy instruction, the same as the Senate version.

Senate Bill No. 2284 - University of North Dakota - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Transportation study			\$5,000	\$5,000		\$5,000
Total all funds	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 230 - University of North Dakota - Detail of Conference Committee Changes

DR
9/9
4-28-23

	Adds Funding for a Transportation Study ¹	Total Conference Committee Changes
Transportation study	\$5,000	\$5,000
Total all funds	\$5,000	\$5,000
Less estimated income	0	0
General fund	\$5,000	\$5,000
FTE	0.00	0.00

¹ One-time funding of \$5,000 from the general fund for the University of North Dakota is added for a transportation study related to Senate Bill No. 2328. Neither the Senate nor the House included this funding.

REPORT OF CONFERENCE COMMITTEE

SB 2284, as reengrossed: Your conference committee (Sens. Schaible, Elkin, Axtman and Reps. Heinert, Richter, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1781-1788, adopt amendments as follows, and place SB 2284 on the Seventh order:

That the House recede from its amendments as printed on pages 1781-1788 of the Senate Journal and pages 2085-2092 of the House Journal and that Reengrossed Senate Bill No. 2284 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to permitting private tutors on public school premises; to"

Page 1, line 1, replace "15.1-01-01" with "15.1-07-26"

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

Page 1, line 4, replace "the state board of public school education members" with "school district enrollment"

Page 1, line 5, after the first comma 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 5, replace "and" with a comma

Page 1, line 6, remove the comma

Page 1, line 6, after "payments" insert ", and the school construction revolving loan fund"

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

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 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district demographics and enrollment - Long-term planning processReview - Report.

1. Between January first and June thirtieth of every even-numbered year, the board of each school district ~~shall~~may invite the public to participate in a ~~planning process~~review addressing the effects that demographics ~~might~~and changing 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
 - ~~d-e.~~ District property tax levies.
2. At the conclusion of the ~~planning process~~review, the board ~~shall~~is encouraged to 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 3. 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, replace lines 1 through 3 with:

"SECTION 5. A new section to chapter 15.1-21 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 5, line 8, overstrike "0.082" and insert immediately thereafter "0.088"

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

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 and insert immediately thereafter:

"SECTION 9. AMENDMENT. Subsection 4 of section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For for school districts that operate multiple kindergarten through grade twelve buildings at least fourteen miles [22.53 kilometers] apart, or multiple buildings at least fourteen miles [22.53 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately, ~~with no adjustment for elementary schools~~. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units."

Page 9, line 29, replace "five hundred forty-four" with "six hundred forty-six"

Page 10, line 4, replace "five hundred forty-four" with "six hundred forty-six"

Page 10, line 6, overstrike "fifteen" and insert immediately thereafter "forty-five"

Page 10, line 10, overstrike "ten" and insert immediately thereafter "eleven"

Page 10, line 11, replace "eight hundred sixty" with "seventy-two"

Page 10, line 16, overstrike "ten" and insert immediately thereafter "eleven"

Page 10, line 17, replace "eight hundred sixty" with "seventy-two"

Page 10, line 19, overstrike "thirty" and insert immediately thereafter "sixty"

Page 10, line 20, overstrike "2022-23" and insert immediately thereafter "2024-25"

Page 16, line 18, replace "five hundred forty-four" with "six hundred forty-six"

Page 16, line 24, replace "five hundred forty-four" with "six hundred forty-six"

Page 16, line 26, overstrike "fifteen" and insert immediately thereafter "forty-five"

Page 16, line 30, overstrike "ten" and insert immediately thereafter "eleven"

Page 16, line 31, replace "eight hundred sixty" with "seventy-two"

Page 17, line 5, overstrike "ten" and insert immediately thereafter "eleven"

Page 17, line 6, replace "eight hundred sixty" with "seventy-two"

Page 17, line 8, overstrike "thirty" and insert immediately thereafter "sixty"

Page 17, line 9, overstrike "2022-23" and insert immediately thereafter "2024-25"

Page 20, line 20, overstrike "ten" and insert immediately thereafter "fifteen"

Page 20, line 24, overstrike "eight" and insert immediately thereafter "twelve"

Page 20, line 26, replace "fifty" with "thirty"

Page 20, line 30, replace "forty" with "twenty-four"

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 a, 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. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.

- g. 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 thirty million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023."

Page 21, replace lines 4 through 10 with:

"SECTION 12. 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 13. 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 implemented by state regulatory agencies to ensure accountability for various school choice models;
 - b. A comparison of nontraditional school choice models implemented by other 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 and enrollment capacity and tuition costs of nonpublic schools; and
 - e. A review of services nonpublic schools are able to offer students with special needs.
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 14. LEGISLATIVE MANAGEMENT STUDY - TEACHER SHORTAGE AND MILITARY FAMILY WORKFORCE. During the 2023-24 interim, the legislative management shall consider studying 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 study should identify immediate and long-term public policy strategies to address teacher shortages and support for military families and spouses. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - VIRTUAL INSTRUCTION IN LIEU OF STORM DAYS. During the 2023-24 interim, the legislative management shall consider studying the feasibility, desirability, and impact of replacing storm days with virtual instruction days. The study must include input from the department of public instruction, public school administrators and teachers, and other stakeholders. The study also must include a review of relevant statutes, plans approved by school boards, and current practices related to storm days. 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. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA - SCHOOL TRANSPORTATION STUDY - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of a school transportation study, for the biennium beginning July 1, 2023, and ending June 30, 2025. The funding provided in this section is considered a one-time funding item.

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 or nonpublic 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, 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 for the biennium beginning July 1, 2023, and ending June 30, 2025. Each school that instructs students in kindergarten through third grade may apply to the department for funding to train at least one educator in the identification of dyslexia characteristics.

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, for the biennium beginning July 1, 2023, and ending June 30, 2025."

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

Page 22, line 1, after "instruction" insert ", training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers"

Page 22, line 1, remove "section 10 of"

Page 22, line 8, replace "5" with "7"

Page 22, line 8, after the period insert "Section 9 of this Act becomes effective on July 1, 2028."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2284 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Department of Public Instruction						
Total all funds	\$0	\$1,000,000	\$6,837,000	\$7,837,000	\$7,837,000	\$0
Less estimated income	0	1,000,000	837,000	1,837,000	1,837,000	0
General fund	\$0	\$0	\$6,000,000	\$6,000,000	\$6,000,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
University of North Dakota						
Total all funds	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	\$0	\$1,000,000	\$6,842,000	\$7,842,000	\$7,837,000	\$5,000
Less estimated income	0	1,000,000	837,000	1,837,000	1,837,000	0
General fund	\$0	\$0	\$6,005,000	\$6,005,000	\$6,000,000	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Senate Bill No. 2284 - Department of Public Instruction - Conference Committee Action

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

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

	Adds Funding for School Meal Grants ¹	Adds Funding for Training Programs ²	Total Conference Committee 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, the same as the House version.

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), the same as the House version.

This amendment also:

- Includes a transfer of \$75 million from the foundation aid stabilization fund to the school construction assistance revolving loan fund. The Senate also included a transfer of \$75 million, but the House provided a transfer of \$40 million.
- Adjusts the K-12 education funding formula.

The Conference Committee also continued \$1 million of unexpended funding provided for integrated formula payments during the 2021-23 biennium to the 2023-25 biennium and requires the funding to be deposited in the department's operating fund. The Conference Committee appropriated the funding from the department's operating fund to the Department of Public Instruction to support professional learning related to the science of reading and implement literacy instruction, the same as the Senate version.

Senate Bill No. 2284 - University of North Dakota - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Transportation study			\$5,000	\$5,000		\$5,000
Total all funds	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$5,000	\$5,000	\$0	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Insert LC: 23.0697.03038
 Senate Carrier: Schaible
 House Carrier: Heinert

Department 230 - University of North Dakota - Detail of Conference Committee Changes

	Adds Funding for a Transportation Study ¹	Total Conference Committee Changes
Transportation study	\$5,000	\$5,000
Total all funds	\$5,000	\$5,000
Less estimated income	0	0
General fund	\$5,000	\$5,000
FTE	0.00	0.00

¹ One-time funding of \$5,000 from the general fund for the University of North Dakota is added for a transportation study related to Senate Bill No. 2328. Neither the Senate nor the House included this funding.

Reengrossed SB 2284 was placed on the Seventh order of business on the calendar.

TESTIMONY

SB 2284

1 SB2284

2 Mandan Public Schools – Dr. Jeff Fastnacht, Asst. Superintendent

3 Good morning, Chairman Elkin and members of the Senate
4 Education Committee.

5 It has been my pleasure over the past five years to have served as
6 the Assistant Superintendent for Mandan Public Schools. Over
7 this same period of time I have also served our profession as a
8 statewide leader as President of the North Dakota Association of
9 School Administrators (NDASA) and North Dakota Council of
10 Educational Leaders (NDCEL). I also had the privilege to serve
11 on the State Board of Public School Education and the North
12 Dakota Board of Career and Technical Education between 2018
13 and 2022. I am speaking to you today in support of Amendment
14 1 of 2284, dealing with the composition of the State Board of
15 Public Education.

16 The State Board of Public School Education plays a vital role in
17 setting the course for education in our state. Over the past five
18 years it has expanded from a board dealing almost exclusively

1 with reorganizations and annexations, to now having a
2 supervisory role of Regional Education Associations (REAs) and
3 adopting the Learning Continuum. Within this session additional
4 duties including oversight of the Center for Distance Education
5 (CDE) are being proposed. The State Board and the Career and
6 Technical Education (CTE) Board, which are joined in law, work
7 on many detailed issues that affect our school districts. While
8 there is value in varied perspectives in making these decisions, I
9 would offer that many of these decisions require an understanding
10 of education, taxation, and governance that is inherent to the
11 experiences of a school district superintendent. Between these
12 boards this includes, but is not limited to, annexations and the
13 impact of large property transfers between districts, new courses
14 offerings and course requirements within CTC as well as the
15 recent proposal of a new funding formula. Again, I suggest that
16 the expertise of a school district superintendent and the
17 understanding of the nuance of these decisions is not just nice to
18 have, it is a necessity.

19

1 North Dakota Century Code 15.1-01-01 appears to recognize the
2 valuable role of the superintendent in the State Board. In fact,
3 subsection 3 clearly states that

4 The governor shall appoint new board members from a list
5 of names submitted by a committee consisting of the
6 president of North Dakota united, the president of the North
7 Dakota council of educational leaders, and the president of
8 the North Dakota school boards association. Two of the state
9 board members must be members of the North Dakota
10 school boards association

11 What is less clear is why this process has recently been changed
12 and no longer aligns with NDCC 15.1-01-01. In 2022, Dr. Steve
13 Holen, Superintendent in McKenzie County School District, and
14 I were at the end of our terms and subject to reappointment. As
15 is required, the Governor's Office made the decision to appoint
16 new members and neither Dr. Holen or I were reappointed. For
17 the sake of clarity, it is within the Governor's responsibilities to
18 either reappoint or make a new appointee. The concern is not if
19 Dr. Holen or I were reappointed, but rather that the process
20 outlined in 15.1-01-01(3) was not followed with the fidelity that

1 should be expected with a process so clearly articulated in North
2 Dakota Century Code. In this case, no representatives were
3 offered by North Dakota United, North Dakota Council of
4 Educational Leaders or the North Dakota School Boards
5 Association. The selections were made from an application
6 process without input from the groups outlined in subsection 3.

7 This amendment is directing the representation on this critical
8 board. It replicates the requirement to have two NDSBA
9 representatives by now also requiring two NDASA
10 representatives. I feel this is a strong middle ground that still
11 allows the Governor's Office to exercise choice for two members
12 through an application process that wouldn't contradict the
13 process articulated in 15.1-01-01.

14 Chairman Elkin and members of the committee. Leadership
15 matters and leaders that work daily in our schools have a unique
16 perspective that should be represented on both of these boards.

1 SB2284

2 Valley City Public Schools – Josh Johnson, Superintendent

3 Chairman Elkin and members of the Senate Education
4 Committee.

5 In 2018, I was appointed to the State Board of Public Education
6 and State Board of Career and Technical Education in
7 representation of seven counties in eastern North Dakota. As the
8 school superintendent at Valley City Public Schools, I accepted
9 this appointment with great pride and looked forward to the
10 opportunity to represent our students, educators, parents, and
11 school districts with important decisions related to public
12 education all across North Dakota. Over the past five years, the
13 boards for both Public Education and CTE have made several
14 critical decisions impacting education. A few of these decisions
15 include the reorganization of Williams County #8 and Williston
16 #1, the reorganization of the Hope-Page School District, the bi-
17 annual oversight and auditing of our regional education
18 associations (REA's), the adoption of the new state learning
19 continuum, and the selection and management of federal dollars

1 related to the CTE Capital Projects Grant. Over the course of my
2 time serving on both of these boards, I've appreciated the hard
3 work, research, and the difficult decisions that come with being a
4 member on the State Board of Public Education and State Board
5 of Career and Technical Education.

6 In the past five years, the appointments to the State Board of
7 Public Education have changed. When I began in 2018, four
8 school superintendents were serving and representing the
9 constituents of North Dakota. As of summer, 2022, I became the
10 only school superintendent on the State Board of Public
11 Education. While I do respect and appreciate the perspectives of
12 our two new board members, the absence of school
13 superintendents has created a void that cannot be filled with
14 individuals out of the profession. As a school superintendent in
15 North Dakota, we are responsible and engaged with matters
16 related to education. This includes annexations, REA's, career
17 and technical education, the goals of the K-12 Coordination
18 Council, and state education strategic plan. I strongly believe this
19 high level of institution knowledge, engagement, and

1 representation is important and must be included on the State
2 Board of Public Education.

3 Chairman Elkin and members on the Senate Education
4 Committee, I offer my support for amendment 1 of SB 2284. As
5 the only school superintendent on the State Board of Public
6 Education, I think it is critical that this bill receive a do-pass.

7



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Donald Schaible

District 31
9115 Highway 21
Mott, ND 58646-9200
dgschaible@ndlegis.gov

COMMITTEES:
Appropriations

February 1, 2023

Introduction to SB 2284 Senator Don Schaible, District 31

Good afternoon, Chairman Elkin and Senate Education Committee. For the record, my name is Senator Don Schaible, here to introduce SB 2284 which will be the K-12 funding bill. Sometimes there is questions why this bill is not included in the K-12 budget bill, but I believe that Education Policy should also have their fingerprints on this bill also, for it's very hard to separate policy from appropriations and I believe policy should be involved with the processes. I will walk through each section, and if you would like, I can take questions after each section.

Sec. 1 suggest that members of the State Board of Public Education selected by legislative districts rather than counties would provide better representation with more even population and with counties, it has been difficult to find people that wanted to serve on the board. The clarification that is offer in subsection 3. Pg 2 is what has been in practice for years until lately so it may be good to clarify the intentions of how members are appointed. Line 17-19 also indicates that two members must be working administrators. These clarification came for issues that have recently took place because of issues for CTE centers and projects with CARES and ESSER moneys that were made available during the last session and special session.

Sec. 2 Adding language "in the school district" is clarify the probationary teacher in the same district. This question was put before the supreme court during the last interim and they ruled that legislative intent was that the 2 years were in the same school district, this just clarifies century code to match intent and court ruling.

Sec. 3 came at the request of the North Dakota School Board Association to make sure that the definition of Weapon is consistent though out Century Code. The NDSBA is here to further explain this request.

Sec.4 The original intent of this section was to allow school to evaluate teachers and only provide professional development to only ones that need it. With further discussion with DPI and Educational Leaders, we found out that is what is happening already. At the end of my presentation, I will be suggesting a few amendments for your consideration, one of the is to Section 4 of this draft.

Sec. 5 and Sec 6 page 7 allows for total on time funding by accelerating the on time weighting factor to 1.0 in 2023-24; this was scheduled to be phased in by 2025-26 by raising the factor by a .1 The cost of this is \$5.3 million.

Sec. 7 deletes language that is obsolete and no longer needed.

Sec.8 would seem like there is a lot of duplicated language, which there is, which address two different effective dates. As you will notice on page 8, line 17 and 18 through page 15 line 10 shows and effective date through June 30th ,2025. On page 15 line 11-12 and all the language through page 21 line 28 is for an effective date after June 30, 2025.

The effective change of this section is the amount for the per pupil payment and does suggest for a 3% X 3% increase to the amounts of \$10,544 for 2023-2024, and \$10,860 for 2024-2025. This is a cost of \$119.9 million.

The strikes out language Page 12-13 and page 18 line 27 through page 20 line 11 removes the requirement on transition maximum schools and moves them all on the formula at a cost of \$14.8 million.

Sec.9 suggests to our current school construction loan program. Under our current program, school can ask for a \$10m loan at 2% interest for school construction for 20 years. This program was started in 2015 with the intent of creating a revolving low interest loan fund that would become self-sustaining with out any additional cost to the state. This School construction loan fund has see a few changes, but has been very successful to our schools even during a period of low interest rates. The improvements in this bill intend to correct a couple of issue that still remain. One of the biggest complaints is that \$10 million was not much help to our larger school that projects are costing much higher levels than \$10 million. So the amendment on page 22 creates a two tiered system for smaller schools projects costing less than \$75 million could apply for a \$10 million loan and projects over \$75 million, schools could apply for a \$50 million low interest loan.

Sec. 10 provides an infusion of \$75 million to the construction loan program which provides a good start to creating a two tiered program that should provide property tax relief to school construction and moves us along to getting a self-sustaining revolving loan fund. .



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2284
Senate Education | February 1, 2023
Testimony of Alexis Baxley

Good morning, Chairman Elkin, and members of the Senate Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

The North Dakota School Boards Association stands in support of SB 2284. I will walk my testimony through the bill section by section in an attempt to be clear and succinct.

NDSBA is supportive of the changes to the state board of public school education composition in Section 1. We believe it is incredibly important to maintain a base level of school board and educator experience on the board due to the increased work load and educational focus of the board. While the board's work used to be largely annexations, we have added a significant number of duties and oversight authority to the board in recent sessions. The board benefits greatly from having experienced board members and administrators among its membership when completing these duties. Additionally, adding the option of the designee to the committee will provide our organizations with some appreciated flexibility. Limiting the list to three names will ensure the committee forwards only the most qualified candidates to the Governor for consideration and that only those names forwarded will be considered.

The clarifying language regarding probationary teachers in Section 2 is appreciated and ensures that legislative intent is clear. This language was challenged before the ND Supreme Court over the past biennium, so the addition of this language will help mirror that ruling as well.

Section 3 includes the definition of a dangerous weapon according the NDCC § 62.1-01-01. NDSBA asked that weapon be defined in chapter 15.1 in order to provide clarity to school districts who are tasked with disciplining students who bring weapons to school. Currently, that section of code requires that school districts adopt a policy governing the possession of weapons and firearms on school property or at school functions. I think we are all pretty clear as to what a firearm is, but what a weapon is has been less clear. The bill as written uses North Dakota's definition, but I would like to respectfully request that the committee consider amending the bill to use the federal definition provided in 18 USC § 930. I have included in my online testimony the proposed amendment. The federal definition reads as follows:

“...a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.”

The biggest difference between the two definitions is two and a half inches of knife blade. Currently, students under IDEA who bring a weapon to school would be subject to the federal definition. Aligning the definition in this section of code to the federal definition provides clarity to districts no matter which students are involved.

If you are looking at the provided amendment, you have likely noticed one more piece. In subsection 2 of NDCC § 15.1-19-10 we are asking that current language be clarified to state that the policy of school district must include that suspension and expulsion MAY be a punishment for possession of a dangerous weapon or firearm. This change would codify what is currently happening in school districts. Current law is unclear as to whether the policy must include suspension and expulsion OR that the *punishment* must be suspension or expulsion. This becomes problematic when students, usually quite young, innocently bring the cool pocket knife gifted to them by grandpa, for example. Administrators and school boards know that expulsion in these scenarios is overkill and detrimental to the student. Most of the time they use good judgement and allow the student to stay, but without this amendment it isn't clear whether or not that is a legal decision. I ask that you consider this amendment and confirm what we believe the initial legislative intent to be.

Next, NDSBA is supportive of the increased per pupil payment and continued commitment to on-time funding in Sections 6, 7, and 8. The per pupil payment in this bill is a great starting point to ensure our districts are able to continue to serve their students over the next biennium despite record inflation.

Finally, we are supportive in the increased maximum school construction loan in Section 9 and the transfer in section 10. These dollars are a great investment in the future of North Dakota.

I respectfully ask that the committee give SB 2284 a do-pass recommendation, consider the amendments provided, and I would stand for any questions.

NDSBA proposed amendment to SB 2284

SECTION 3. AMENDMENT. Subsection 6 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must 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~~ The policy must provide that punishment for possession of a dangerous weapon or a firearm may must include immediate suspension from school and expulsion. A student who possesses a firearm in violation of this section must be expelled for at least one year. The school district firearms policy must 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.
6. For purposes of this section:
 - a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
 - b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
 - c. "Dangerous ~~W~~weapon" ~~includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. The term does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alphachloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.~~ has the meaning provided in 18 U.S.C 930.

Testimony in Support of SB 2284 – Senate Education Committee

Chairman Elkin and members of the Senate Education Committee, for the record my name is Bob Marthaller, representing North Dakota United.

Chairman Elkin, North Dakota United is pleased to provide testimony in general support of SB 2284, and we wish to thank you and Senator Schaible as well as Representative Heinert and Representative Nathe for your leadership and efforts to provide quality educational opportunity for North Dakota students. The members and leadership of North Dakota United, also want to thank you for your support and efforts to provide adequate and equitable financial resources to public schools and school districts. Your efforts have made it possible for school boards, administrators, teachers, and many other school staff to continue working to provide the best possible education system for North Dakota students. And, I must say that you have done all this while providing significant property tax relief for the citizens of North Dakota.

Chairman Elkin and members of the committee, North Dakota United believes that North Dakota teachers are among the best in the nation. Along with parental and community support and involvement, we believe our education system and quality instruction provided by North Dakota teachers, will have our students choice ready and will graduate ready to pursue additional formal education or training, enter the military, or become a part of the state workforce.

We also recognize the work is not complete and there is much left to be done. Education is a continuous process and for our students to be “choice ready” additional resources must be made available. Services such as career counseling, mental health and other counseling support, resources for critical infrastructure such as technology and safe and functional facilities must be supported and expanded.

Teachers and support staff are critical to the mission, and we must endeavor to do the best that we can to support them, including providing a competitive compensation and benefit package. To this end, the State of North Dakota must provide the financial resources in order to serve North Dakota students.

That’s why North Dakota United wishes to propose a significant increase in funding to public school districts, increases that local school boards can manage at the local level in support of education in their communities.

SB 2284, Section 8, page 11 sets the state rate at \$10,544 per weighted student units for the 2023-24 school year and \$10,860 for the 2024-25 school year.

Chairman Elkin and members of the committee, North Dakota United respectfully suggests that the rate for the 2023-24 school year be set at \$11,056 per weighted student unit and for the 2024-25 school year, the rate be set at \$11,940. With the help of the professional staff at the North Dakota Department of Public Instruction, we estimate the additional cost for the

biennium to be approximately \$346 million, or about an 8% increase for each year of the biennium.

At North Dakota United we recognize this is a huge number for the Senate Education Committee to ponder. However, North Dakota United believes this number is attainable and we hope for serious consideration as this bill moves forward for further debate and deliberation.

With that, I will attempt to address any questions you may have.

TESTIMONY ON SB 2284
Senate Education COMMITTEE
February 1, 2023
By: Adam Tescher, School Finance Officer
701-328-3291
North Dakota Department of Public Instruction

Chairman Elkin and Members of the Committee:

My name is Adam Tescher, and I am the School Finance Officer with the Department of Public Instruction. I am here to provide information regarding SB 2284.

In 2013, the state implemented a K-12 funding formula tied to the cost of providing adequate and equitable education and funded it with a combination of state and local taxes. Local property tax levy authority was decreased significantly, with statewide taxes making up the difference. Statewide taxes are now funding approximately 73% of the funding formula.

The local share is 60 mills on taxable valuation and 75% of other local in-lieu of property tax revenue. The state funds the remainder up to the adequate amount. The formula is student-driven and uses various weights to account for the increased costs associated with school size and serving students with special needs. A base per-student funding rate is set by the legislature designed to generate the resources necessary to educate students to state standards. In addition, there are transitional

adjustments included to minimize budget impacts that inevitably occur when making major changes.

The Legislature, through the interim Education Funding Committee, contracted with Picus-Odden and Associates to conduct a recalibration study to confirm the adequacy of that base level of support.

The consultants used an evidenced-based model to determine the resources necessary to educate students to college and career-ready proficiency. Included in the model are all components necessary to meet the standards. This includes core staffing, administration, operations, professional development, technology, and instruction materials.

Attached is a blank worksheet for the Minnewaukan School District that we will walk through and complete to help gain an understanding of the Integrated Funding Formula.

Chairman Elkin and Members of the Committee that concludes my prepared testimony, and I will stand for any questions you may have.



STATE AID TO SCHOOLS PAYMENT WORKSHEET

North Dakota Department of Public Instruction
Office of Fiscal Management - SFO

District Name Minnewaukan 5	County District Number 03-005	Payment Month August	School Year 2022-2023
--------------------------------	----------------------------------	-------------------------	--------------------------

A STATE AID FORMULA:

Student membership includes regular school year average daily membership (ADM). ADM for students attending school in Montana and Minnesota (NDCC 15.1-29.01), South Dakota students attending school in North Dakota (NDCC 15.1-29-02.1) under cross border attendance agreements, and students in private or out-of-state placements for purposes other than education (NDCC 15.1-29-14) are also included.

Student Membership

- 1 Pk Special Education
- 2 Kindergarten
- 3 Grade 1-6
- 4 Grade 7-8
- 5 Grade 9-12
- 6 Alternative High School
- 7 Total Average Daily Membership (ADM)

ADM	Weighting Factor	Weighted ADM
	1.000	
	1.000	
	1.000	
	1.000	
	1.000	
	1.000	

Other Program Membership

- 8 Alt High School (from line 6)
- 9 Special Ed ADM (from line 7)
- 10 PK Special Ed ADM (from line 1)
- 11 Regional Education Association (if member from line 7)
- 12 2022-23 Fall Enrollment above 2022 ADM
- 13 Spring 2022 On Time ADM Adjustment
- 14 ELL Level 1
- 15 ELL Level 2
- 16 ELL Level 3
- 17 At Risk
- 18 Home-Education (district supervised)
- 19 Alt Middle School
- Summer Programs
- 20 Summer School
- 21 Special Ed ESY
- Isolated School District
- 22 >275 sq miles and <100 ADM
- 23 >600 sq miles and <50 ADM

	0.250	
	0.082	
	0.170	
	0.002	
	0.700	
	0.600	
	0.400	
	0.280	
	0.070	
	0.025	
	0.200	
	0.150	
	0.600	
	1.000	
	0.100	
	1.100	

- 24 Total Weighted Average Daily Membership (add lines 7 through 23)
- 25 School District Size Weighting Factor
- 26 Total Weighted Student Units
- 27 Per Student Payment Rate
- 28 Total Formula Payment

	\$10,237.00

Formula Adjustments

- 29 Transition Maximum Adjustment (from line 68)
- 30 Transition Minimum Adjustment (from line 75) with 15% Reduction
- 31 Total Adjusted Formula Amount (total lines 28, 29 and 30)
- 32 Contribution from Property Tax (from line 48)
- 33 Contribution from Other Local Revenue (from line 41)
- 34 State Aid Payment (line 31 minus lines 32 and 33)

70%		
		-
		-
		-
		-

State School Aid Summary

- 1 State Aid Formula Payment (from line 34)
- 2 Transportation (from line 64)
- 3 State Child Placement
- 4 Special Education Contracts - Agency
- 5 Special Education Contracts - School Placed
- 6 Special Education Contracts - Boarding
- 7 Special Education - Gifted and Talented

Entitlement	EFB Offset	Net Entitlement
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

Total State Aid

Excess Fund Balance Offset (from line 52)

-

B CONTRIBUTION FROM OTHER LOCAL REVENUE	Apportioned		Percent	
	Total Revenue	Revenue		
35 1300 Tuition	-	-	75%	-
36 2999 County	-	-	75%	-
37 US Flood	-	-	75%	-
38 Electric Generation, Distribution and Transmission Tax	-	-	75%	-
39 Mobile Home and Other In-Lieu Taxes	-	-	75%	-
40 Telecommunications	-	-	75%	-
41 Contribution from Other Local Revenue				-
	S & I Levy	Total Levy	Non S & I Percentage	
	-	51.08	100.00%	

C CONTRIBUTION FROM PROPERTY TAX			
42 District Taxable Valuation			3,929,679
43 Contribution Mill Rate			60
44 Contribution from Property Tax (line 42 times line 43 divided by 1000)			235,780.74
45 Minimum Local Effort Adjustment (NDCC 15.1-27-04.2)		-	-
46 Maximum Contribution Increase Adjustment (NDCC 15.1-27-04.1.4.a.)	259,325.00		-
47 Local Effort Adjustment NDCC 15.1-27-04.3			-
48 Adjusted Contribution from Property Tax (total lines 44, 45 and 46)			235,780.74

D EXCESS FUND BALANCE OFFSET (Delayed through 2023)			
49 General Fund Ending Balance			-
50 General Fund Expenditures			-
51 35% of General Fund Expenditures + \$50,000			50,000.00
52 Excess Fund Balance Offset (line 49 minus line 51, if less than zero enter zero)			-

E TRANSPORTATION WORKSHEET				
Transportation Statistics				
	Rate	Miles	Rides	Total
53 Small Bus Miles	0.520		xxxxx	-
54 Large Bus Miles	1.110		xxxxx	-
55 Rural Rides	0.300	xxxxx		-
56 Small In-City Miles	0.520		xxxxx	-
57 Large In-City Miles	1.110		xxxxx	-
58 In-City Rides	0.300	xxxxx		-
59 Family - To School	0.250		xxxxx	-
60 Family - To Bus	0.250		xxxxx	-
61 Not Reimbursable	-			-
62 Total Transportation Reimbursement				-
63 Reimbursement Cap --- 90% of transportation expenditures				
64 Transportation Grant Total (lesser of 90% cap or total)				-

F BASELINE FUNDING - MINIMUM AND MAXIMUM PAYMENTS			
65 Baseline Funding (2018-19 Formula Payment)			2,927,254.06
66 Baseline Weighted Student Units (2018-19)			331.43
67 Baseline Funding Rate			\$8,832.19

Adjustment for Maximum	Baseline Funding		Weighted Student	
	Rate	Maximum Percent	Units	
68 Maximum Increase Amount	\$8,832.19	110%	-	-

Adjustment for Minimum	Baseline Funding		Weighted Student	
	Rate	Minimum Percent	Units	
69 Minimum Increase Per Student	\$8,832.19	102%	331.43	2,985,797.79
70 WSUs Above Baseline	\$10,237.00		-	-
71 Baseline Funding Per Student				2,985,797.79
72 Baseline Funding (from line 65)				2,927,254.06
73 Minimum Funding Percentage				100%
74 Minimum Funding Amount				2,927,254.06
75 Minimum Increase Amount (greater of line 71 or line 74)				2,985,797.79



1 SB 2284 – Funding Bill

2 Testimony in support

3 Senator Elkin and members of the Senate education committee, we are here supporting
4 NDCEL and we are here to explain our support for specific areas of this bill. We do so
5 with the understanding that this bill is typically a bill we work on through conference
6 committee and to the end of session. That being said, it is important to understand our
7 rationale for support in a number of areas.

8 Let's start with the State Board of Public Education. Since 1999 when the Governor
9 began appointing to this board, the law has stood regarding the 3 associations sending
10 to the governor a list of candidates from which he was to appoint from by law. Over the
11 years, there have always been at least 2 members of NDSBA on the board (by law) and
12 have always otherwise been occupied by at least three active school superintendents and
13 sometimes by 4. The reason for this is that the issues this board deals with begs for a
14 board that is steeped in educational knowledge. The three associations have always
15 agreed on this and that has never changed. Under the current Governor administration,
16 he's instituted his own board application procedure and that procedure has determined
17 his appointments, not law. In the most recent appointment (you will hear more about
18 this) the recommendations of the 3 associations were ignored and the appointees were
19 not taken from the groups (as prescribed by law) and instead were purely chosen at the
20 whim of the governor. This amendment maintains the required two board members
21 who should be the voice of the people, at least two superintendents and allows the
22 governor two others at his leisure which we feel is a more than generous offer. Every

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education
for all students in North Dakota.*

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoherz



1 governor since 1999 has wholeheartedly respected and appreciated this process until
2 recently.

3 As we look at other areas of this bill there are many good things worth mentioning and
4 worth keeping. They all benefit the field.

- 5 • Better of spring or fall ADM protects our smaller schools who experience ADM
6 declines at times. They are valuable schools, and we need to keep them
7 sustainable. One year of budget preparedness is not too much to ask for to protect
8 those communities and those students who receive their education there.
- 9 • On time funding is important for growing districts so they can manage the
10 challenges of increasing classroom sizes, new buildings, and new services.
- 11 • Per pupil increases are important to not only manage inflation but also so we can
12 offer our very deserving staff adequate pay to remain competitive in the field
- 13 • Enhancement in the school construction loan funds help local communities and
14 provide intrinsic property tax relief.
- 15 • Some of the studies being offered in this bill can provide either pilots or studies
16 of efficiencies that can help our schools

17 We ask this committee to look at this bill in a favorable light, and frankly to hold to the
18 ideals that we are asking for understanding of what is better for students is more
19 important than is application of more power given to any position in government. If we
20 are protective of big government, we must remain carefully protective of balance of
21 power just as your legislatures that have come before you.

23.0697.01003

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02,
2 subsection 6 of section 15.1-19-10, ~~section 15.1-21-12.1,~~ section 15.1-27-03.1, subsection 4 of
3 section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North
4 Dakota Century Code, relating to the state board of public school education members, the
5 definition of "probationary teacher", the definition of "weapon", modification of weighting factors
6 and transition maximums, and an increase in per student payments, ~~and professional~~
7 ~~development for reading;~~ to provide for a legislative management study; to provide an
8 appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective
9 date.

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

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

13 **15.1-01-01. State board of public school education - Composition.**

- 14 1. The state board of public school education consists of the superintendent of public
15 instruction and:
 - 16 a. An individual representing ~~Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
17 ~~and Traill Counties~~legislative districts ten, eleven, thirteen, sixteen, twenty-one,
18 forty-one, forty-four, and forty-six;
 - 19 b. An individual representing ~~Benson, Bottineau, Cavalier, McHenry, Pembina,~~
20 ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties~~legislative districts
21 nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;
 - 22 c. An individual representing ~~Dickey, Emmons, LaMoure, Logan, McIntosh,~~
23 ~~Ransom, Richland, and Sargent Counties~~legislative districts twelve, twenty-two,
24 twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;

1 device uses a projectile and may be used to apply multiple applications of voltage
2 during a single incident, then the term includes the device for an individual who is
3 prohibited from possessing a firearm under this title.

4 ~~SECTION 4. AMENDMENT. Section 15.1-21-12.1 of the North Dakota Century Code is~~
5 ~~amended and reenacted as follows:~~

6 ~~15.1-21-12.1. Reading curriculum - Content - Professional development - Reports to~~
7 ~~legislative management.~~

8 ~~1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the~~
9 ~~portion of its curriculum which is related to reading:~~

10 ~~a. Is scientifically based, evidence based, and research based;~~

11 ~~b. Focuses on:~~

12 ~~(1) Phonemic awareness;~~

13 ~~(2) Phonics;~~

14 ~~(3) Fluency;~~

15 ~~(4) Vocabulary; and~~

16 ~~(5) Comprehension; and~~

17 ~~c. Uses systematic direct instruction for students in kindergarten through grade~~
18 ~~three to ensure all students obtain necessary early reading skills.~~

19 ~~2. Before the 2022-23 school year, a school district or nonpublic school shall evaluate~~
20 ~~each teacher who teaches kindergarten through grade three at a school district or~~
21 ~~nonpublic school, and each principal of a public or nonpublic school with kindergarten~~
22 ~~through grade three, to determine whether the teacher or principal requires~~
23 ~~professional development in a topic under subdivision b of subsection 1. The teacher~~
24 ~~or principal shall attend teacher-approved, professional development training that~~
25 ~~includes training in the topics provided under subsection 1 for each topic for which the~~
26 ~~teacher or principal requires professional development.~~

27 ~~3. Each teacher or principal hired by a school district or nonpublic school that provides~~
28 ~~instruction in kindergarten through grade three shall complete the training under~~
29 ~~subsection 2, or demonstrate mastery of the topics provided under subsection 1,~~
30 ~~within one year of the teacher's or principal's first year of placement in the grade level~~
31 ~~or at the school.~~

- 1 ~~4. To be approved by the superintendent of public instruction, each public and nonpublic~~
2 ~~school shall certify to the superintendent of public instruction that the district or school:~~
3 ~~a. Ensures the placement of highly effective teachers in kindergarten through grade~~
4 ~~three;~~
5 ~~b. Has integrated reading instruments used to diagnose reading development and~~
6 ~~comprehension; and~~
7 ~~c. Has integrated evidence-based resources to support reading development and~~
8 ~~comprehension.~~
9 ~~5. The superintendent of public instruction shall provide ongoing assistance to school~~
10 ~~districts and nonpublic schools to be in and maintain compliance with this section.~~
11 ~~6. The superintendent of public instruction, in collaboration with the kindergarten through~~
12 ~~grade twelve education coordination council, shall adopt rules to implement this~~
13 ~~section, including rules to monitor implementation and compliance with this section.~~
14 ~~7. The superintendent of public instruction shall provide periodic reports to the legislative~~
15 ~~management on the implementation and effectiveness of this section in improving~~
16 ~~educational outcomes and reading competency of students.~~

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

19 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 20 1. For each school district, the superintendent of public instruction shall multiply by:
21 a. 1.00 the number of full-time equivalent students enrolled in an extended
22 educational program in accordance with section 15.1-32-17;
23 b. 0.60 the number of full-time equivalent students enrolled in a summer education
24 program, including a migrant summer education program;
25 c. 0.40 the number of full-time equivalent students who:
26 (1) On a test of English language proficiency approved by the superintendent of
27 public instruction are determined to be least proficient and placed in the first
28 of six categories of proficiency; and
29 (2) Are enrolled in a program of instruction for English language learners;
30 d. 0.28 the number of full-time equivalent students who:

1 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
2 shall issue a loan from the school construction assistance revolving loan fund. For a
3 loan made under this section:

4 a. ~~The~~If the school construction project totals less than seventy-five million dollars,
5 the maximum loan amount for which a school district may qualify is ten million
6 dollars. However, if a school district's unobligated general fund balance on the
7 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
8 loan amount under this section may not exceed eighty percent of the project's
9 cost up to a maximum loan amount of eight million dollars;

10 b. If the school construction project totals seventy-five million dollars or more, the
11 maximum loan amount for which a school district may qualify is fifty million
12 dollars. However, if a school district's unobligated general fund balance on the
13 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
14 loan amount under this section may not exceed eighty percent of the project's
15 cost up to a maximum loan amount of forty million dollars;

16 c. The term of the loan is twenty years, unless the board of the school district
17 requests a shorter term in the written loan application; and

18 e.d. The interest rate of the loan may not exceed two percent per year.

19 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION**

20 **SERVICES FUNDING.** During the 2023-25 interim, the legislative management shall study
21 school transportation services funding. The study must include a review of the formula for
22 funding school transportation services and an assessment of whether a factor-based model
23 would fund school transportation more appropriately. The legislative management shall report
24 its findings and recommendations, together with any legislation required to implement the
25 recommendations, to the sixty-ninth legislative assembly.

26 **SECTION 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**

27 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
28 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
29 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
30 instruction for the purpose of supporting professional learning related to the science of reading
31 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,

1 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
2 regional education associations to ensure continuity of access to science of reading training
3 opportunities and develop support processes to deepen science of reading implementation. The
4 superintendent of public instruction shall provide quarterly reports to the legislative
5 management on the implementation and effectiveness of this appropriation on improving
6 educational outcomes, including the number of teachers trained, an anticipated timeline of
7 results trends, and any results trends available.

8 **SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

9 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
10 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
11 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
12 Session Laws, the lesser of \$1,000,0000 or the remaining amount must be continued into the
13 2023-25 biennium and the office of management and budget shall transfer this amount into the
14 public instruction fund for the purpose of funding professional learning related to the science of
15 reading and implementing systematic direct literacy instruction as appropriated in section 10 of
16 this Act.

17 **SECTION 12. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

18 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
19 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
20 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
21 and ending June 30, 2025.

22 **SECTION 13. EFFECTIVE DATE.** Section 65 of this Act becomes effective on July 1, 2024.

February 1, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 22, after line 18, insert:

"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more appropriately. 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 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,000,0000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and

implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

Renumber accordingly

23.0697.01003

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02,
2 subsection 6 of section 15.1-19-10, ~~section 15.1-21-12.1,~~ section 15.1-27-03.1, subsection 4 of
3 section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North
4 Dakota Century Code, relating to the state board of public school education members, the
5 definition of "probationary teacher", the definition of "weapon", modification of weighting factors
6 and transition maximums, and an increase in per student payments, and professional
7 development for reading; to provide for a legislative management study; to provide an
8 appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective
9 date.

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

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

13 **15.1-01-01. State board of public school education - Composition.**

- 14 1. The state board of public school education consists of the superintendent of public
15 instruction and:
 - 16 a. An individual representing ~~Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
17 ~~and Traill Counties~~legislative districts ten, eleven, thirteen, sixteen, twenty-one,
18 forty-one, forty-four, and forty-six;
 - 19 b. An individual representing ~~Benson, Bottineau, Cavalier, McHenry, Pembina,~~
20 ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties~~legislative districts
21 nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;
 - 22 c. An individual representing ~~Dickey, Emmons, LaMoure, Logan, McIntosh,~~
23 ~~Ransom, Richland, and Sargent Counties~~legislative districts twelve, twenty-two,
24 twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;

1 device uses a projectile and may be used to apply multiple applications of voltage
2 during a single incident, then the term includes the device for an individual who is
3 prohibited from possessing a firearm under this title.

4 ~~SECTION 4. AMENDMENT. Section 15.1-21-12.1 of the North Dakota Century Code is~~
5 ~~amended and reenacted as follows:~~

6 ~~15.1-21-12.1. Reading curriculum - Content - Professional development - Reports to~~
7 ~~legislative management.~~

8 ~~1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the~~
9 ~~portion of its curriculum which is related to reading:~~

10 ~~a. Is scientifically based, evidence based, and research based;~~

11 ~~b. Focuses on:~~

12 ~~(1) Phonemic awareness;~~

13 ~~(2) Phonics;~~

14 ~~(3) Fluency;~~

15 ~~(4) Vocabulary; and~~

16 ~~(5) Comprehension; and~~

17 ~~c. Uses systematic direct instruction for students in kindergarten through grade~~
18 ~~three to ensure all students obtain necessary early reading skills.~~

19 ~~2. Before the 2022-23 school year, a school district or nonpublic school shall evaluate~~
20 ~~each teacher who teaches kindergarten through grade three at a school district or~~
21 ~~nonpublic school, and each principal of a public or nonpublic school with kindergarten~~
22 ~~through grade three, to determine whether the teacher or principal requires~~
23 ~~professional development in a topic under subdivision b of subsection 1. The teacher~~
24 ~~or principal shall attend teacher-approved, professional development training that~~
25 ~~includes training in the topics provided under subsection 1 for each topic for which the~~
26 ~~teacher or principal requires professional development.~~

27 ~~3. Each teacher or principal hired by a school district or nonpublic school that provides~~
28 ~~instruction in kindergarten through grade three shall complete the training under~~
29 ~~subsection 2, or demonstrate mastery of the topics provided under subsection 1,~~
30 ~~within one year of the teacher's or principal's first year of placement in the grade level~~
31 ~~or at the school.~~

- 1 ~~4. To be approved by the superintendent of public instruction, each public and nonpublic~~
2 ~~school shall certify to the superintendent of public instruction that the district or school:~~
3 ~~a. Ensures the placement of highly effective teachers in kindergarten through grade~~
4 ~~three;~~
5 ~~b. Has integrated reading instruments used to diagnose reading development and~~
6 ~~comprehension; and~~
7 ~~c. Has integrated evidence-based resources to support reading development and~~
8 ~~comprehension.~~
9 ~~5. The superintendent of public instruction shall provide ongoing assistance to school~~
10 ~~districts and nonpublic schools to be in and maintain compliance with this section.~~
11 ~~6. The superintendent of public instruction, in collaboration with the kindergarten through~~
12 ~~grade twelve education coordination council, shall adopt rules to implement this~~
13 ~~section, including rules to monitor implementation and compliance with this section.~~
14 ~~7. The superintendent of public instruction shall provide periodic reports to the legislative~~
15 ~~management on the implementation and effectiveness of this section in improving~~
16 ~~educational outcomes and reading competency of students.~~

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

19 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 20 1. For each school district, the superintendent of public instruction shall multiply by:
21 a. 1.00 the number of full-time equivalent students enrolled in an extended
22 educational program in accordance with section 15.1-32-17;
23 b. 0.60 the number of full-time equivalent students enrolled in a summer education
24 program, including a migrant summer education program;
25 c. 0.40 the number of full-time equivalent students who:
26 (1) On a test of English language proficiency approved by the superintendent of
27 public instruction are determined to be least proficient and placed in the first
28 of six categories of proficiency; and
29 (2) Are enrolled in a program of instruction for English language learners;
30 d. 0.28 the number of full-time equivalent students who:

1 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
2 shall issue a loan from the school construction assistance revolving loan fund. For a
3 loan made under this section:

4 a. ~~The~~If the school construction project totals less than seventy-five million dollars,
5 the maximum loan amount for which a school district may qualify is ten million
6 dollars. However, if a school district's unobligated general fund balance on the
7 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
8 loan amount under this section may not exceed eighty percent of the project's
9 cost up to a maximum loan amount of eight million dollars;

10 b. If the school construction project totals seventy-five million dollars or more, the
11 maximum loan amount for which a school district may qualify is fifty million
12 dollars. However, if a school district's unobligated general fund balance on the
13 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
14 loan amount under this section may not exceed eighty percent of the project's
15 cost up to a maximum loan amount of forty million dollars;

16 c. The term of the loan is twenty years, unless the board of the school district
17 requests a shorter term in the written loan application; and

18 e.d. The interest rate of the loan may not exceed two percent per year.

19 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION**

20 **SERVICES FUNDING.** During the 2023-25 interim, the legislative management shall study
21 school transportation services funding. The study must include a review of the formula for
22 funding school transportation services and an assessment of whether a factor-based model
23 would fund school transportation more appropriately. The legislative management shall report
24 its findings and recommendations, together with any legislation required to implement the
25 recommendations, to the sixty-ninth legislative assembly.

26 **SECTION 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**

27 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
28 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
29 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
30 instruction for the purpose of supporting professional learning related to the science of reading
31 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,

1 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
2 regional education associations to ensure continuity of access to science of reading training
3 opportunities and develop support processes to deepen science of reading implementation. The
4 superintendent of public instruction shall provide quarterly reports to the legislative
5 management on the implementation and effectiveness of this appropriation on improving
6 educational outcomes, including the number of teachers trained, an anticipated timeline of
7 results trends, and any results trends available.

8 **SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

9 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
10 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
11 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
12 Session Laws, the lesser of \$1,000,0000 or the remaining amount must be continued into the
13 2023-25 biennium and the office of management and budget shall transfer this amount into the
14 public instruction fund for the purpose of funding professional learning related to the science of
15 reading and implementing systematic direct literacy instruction as appropriated in section 10 of
16 this Act.

17 **SECTION 12. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

18 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
19 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
20 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
21 and ending June 30, 2025.

22 **SECTION 13. EFFECTIVE DATE.** Section 65 of this Act becomes effective on July 1, 2024.

February 1, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 22, after line 18, insert:

"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more appropriately. 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 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,000,0000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and

implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

Renumber accordingly



TURTLE MOUNTAIN COMMUNITY SCHOOL BELCOURT SCHOOL DISTRICT NO. 7

**PO Box 440
Belcourt, ND 58316-440
Phone: (701) 477-6471
Fax: (701) 477-6470**

We Are An Equal Opportunity Employer

February 1, 2023

Senate Education Committee
600 East Boulevard Avenue
Bismarck ND, 58505-0001

Subject: Testimony on North Dakota Education Funding Formula – SB2284 on Transition Maximum

Senate Education Committee Members,

Greetings. My name is Duane Poitra. I am the Business Manager for the Belcourt School District. I am an enrolled member the Turtle Mountain Band of Chippewa. I wish to provide testimony today in relation to **SUPPORT** of SB2284 as it relates to the North Dakota Education funding formula, specifically on the "Transition Maximum" language elimination in the bill's draft language. Transition Maximum pertains to School Districts still transitioning on to actual formula since 2013; these Districts hence receive less funding than formula calculation.

Transition Maximum was established in the North Dakota Education funding formula back in the 2013 biennium as a funding formula mechanism to allow school districts that were "under formula", based on actual formula calculation, to "get on formula" at a reasonable pace; which was anticipated then to be no more than 6 - 8 years.

A baseline per pupil amount was determined in the 2013 biennium for each District affected by Transition Maximum that would be multiplied by a per pupil waiting factor of 110% to which the resulting weighted baseline per pupil amount would be multiplied by the weighted average daily membership (ADM) of the District to determine a maximum District payment amount. The baseline per pupil amount changed in 2019-20.

If a district had a baseline per pupil payment rate less than the established per pupil payment rate for 2013-14, the district received a transition maximum adjustment to their formula calculation to prevent significant swings in district budgets due to a funding formula change.

The education funding formula would also determine a "normal" formula payment for Districts. The difference between the "normal" formula payment calculation and the maximum payment calculation is called the Transition Maximum Adjustment, which in the calculation is a deduction from the "normal" formula payment.

In the 2013 biennium, there were 41 Districts that were affected by Transition Maximum. The goal of a Transition Maximum Districts is to get on "normal" formula. As of the 2022-23 school year, there are 11 Transition Maximum Districts, of which 10 of the School Districts primarily serve a Native American population.

Please consider all other North Dakota school districts are either on formula or exceed the formula (transition minimum Districts). The total annual North Dakota education funding is approximately \$1 billion dollars per year. The funding needed to get these 11 school districts on formula is about \$10.7 million dollars per year.

I previously provided testimony during the 2021 ND Legislative Session suggesting transition maximum schools be placed on actual formula as soon as possible. I again offer testimony that the transition maximum schools get on the funding formula in the manner specified in HB2184, considering intent of the 2013 ND Legislative Session.

The 2013 Legislative Session provided a new education funding formula which essentially lowered property tax contributions used towards education in North Dakota by increasing North Dakota's contribution towards education.

However, property poor school districts with average per student imputed taxable valuations more than 80% below the State average required funding formula modification in the 2013 draft bill to realize benefit. SB2184 provides an expeditious solution for the property poor districts, currently affected by transition maximum, to finally move to normal formula payment as originally intended in 2013.

The 11 Transition Maximum Districts are:

Belcourt 7	Dunseith 1	St. John 3	Warwick 29	Ft. Totten 30	Minnewaukan 5
Manvel 125	Solen 3	Mandaree 36	Twin Buttes 37	White Shield 85	

Therefore, I support SB2184 as this bill provides a means to get ALL the school districts affected by transition maximum on normal North Dakota Education funding formula as intended back in 2013.

I thank you for your time and consideration on this important matter.

Chi Miigwech!



Duane Poitra,
Business Manager
Belcourt School District #7



Legislative Directed Loan Programs School Construction



BND Balance Sheet

vs

Legislative Directed Programs

Balance Sheet

\$ in thousands

12/31/2022

Cash and due from banks	<u>405,718</u>
Federal funds sold	<u>44,605</u>
Securities	<u>4,344,352</u>
Loans	
Commercial	3,199,277
Farm	709,866
Residential	351,076
Student	<u>1,104,408</u>
	5,364,627
Less allowance for loan loss	<u>(108,752)</u>
	<u>5,255,875</u>
Other assets	<u>145,265</u>
Total assets	<u>10,195,815</u>
Deposits -	
Non-interest bearing	632,498
Interest bearing	7,679,449
Federal funds purchased and repurchase agreements	205,845
Borrowings -	
Short-term	675,000
Other liabilities	5,835
Total liabilities	<u>9,198,627</u>
Equity	<u>997,188</u>
Total liabilities and equity	<u>10,195,815</u>

Loans "On Balance Sheet" in which BND participates with a Lead FI and takes the Risk / Reward that contributes to the earnings at the end of the year.

The funding for these loans is backed by the "Capital" of BND.

Why "Off Balance Sheet"

- Established by the Legislature
- Long-term fixed interest rate at 2%.
- Provides for up to 30 / 40 Year Terms

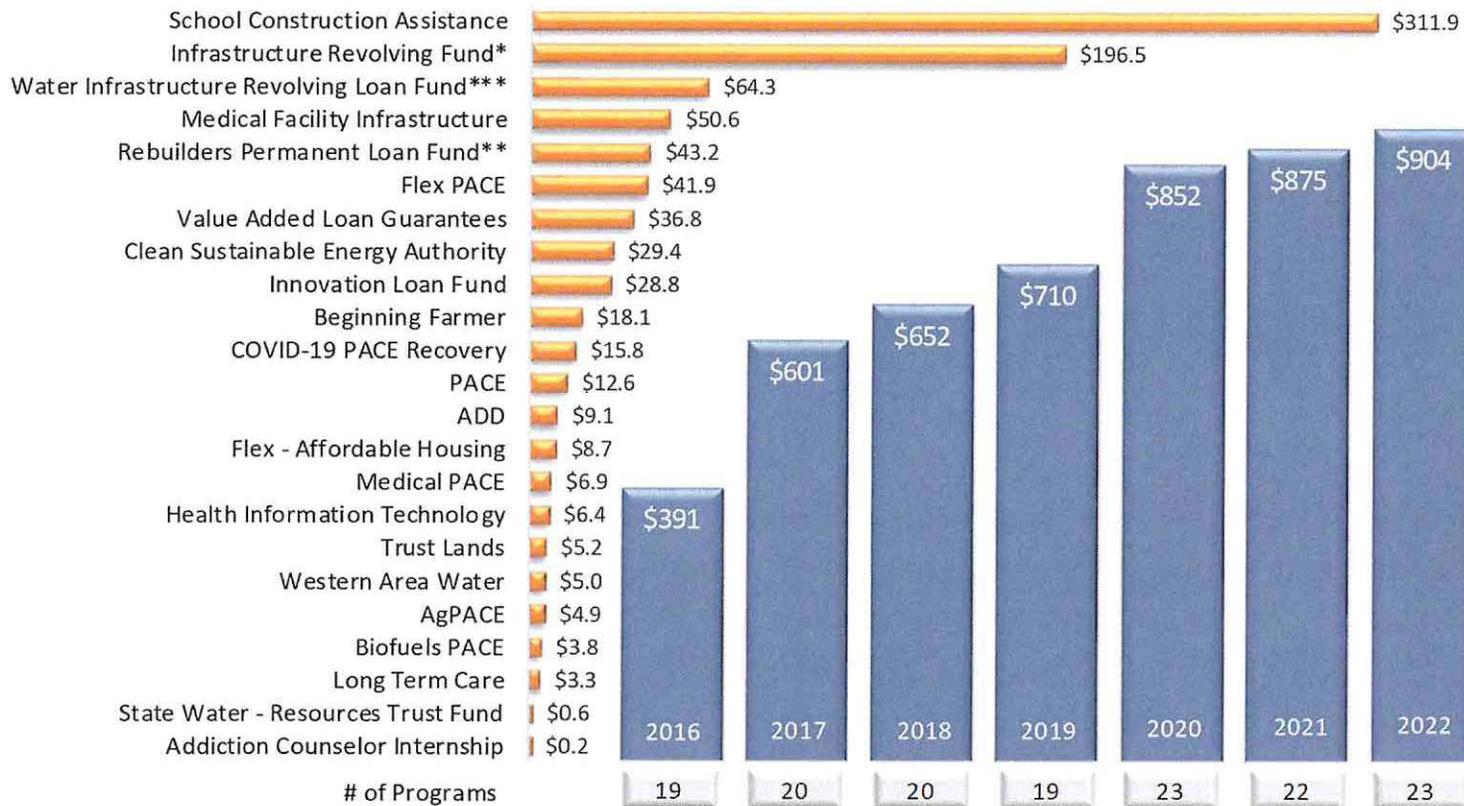
Procedurally:

- BND underwrites and administers loans
- Principal and interest returned to the funds
- BND receives a .50bp service fee
- Audits of the Funds



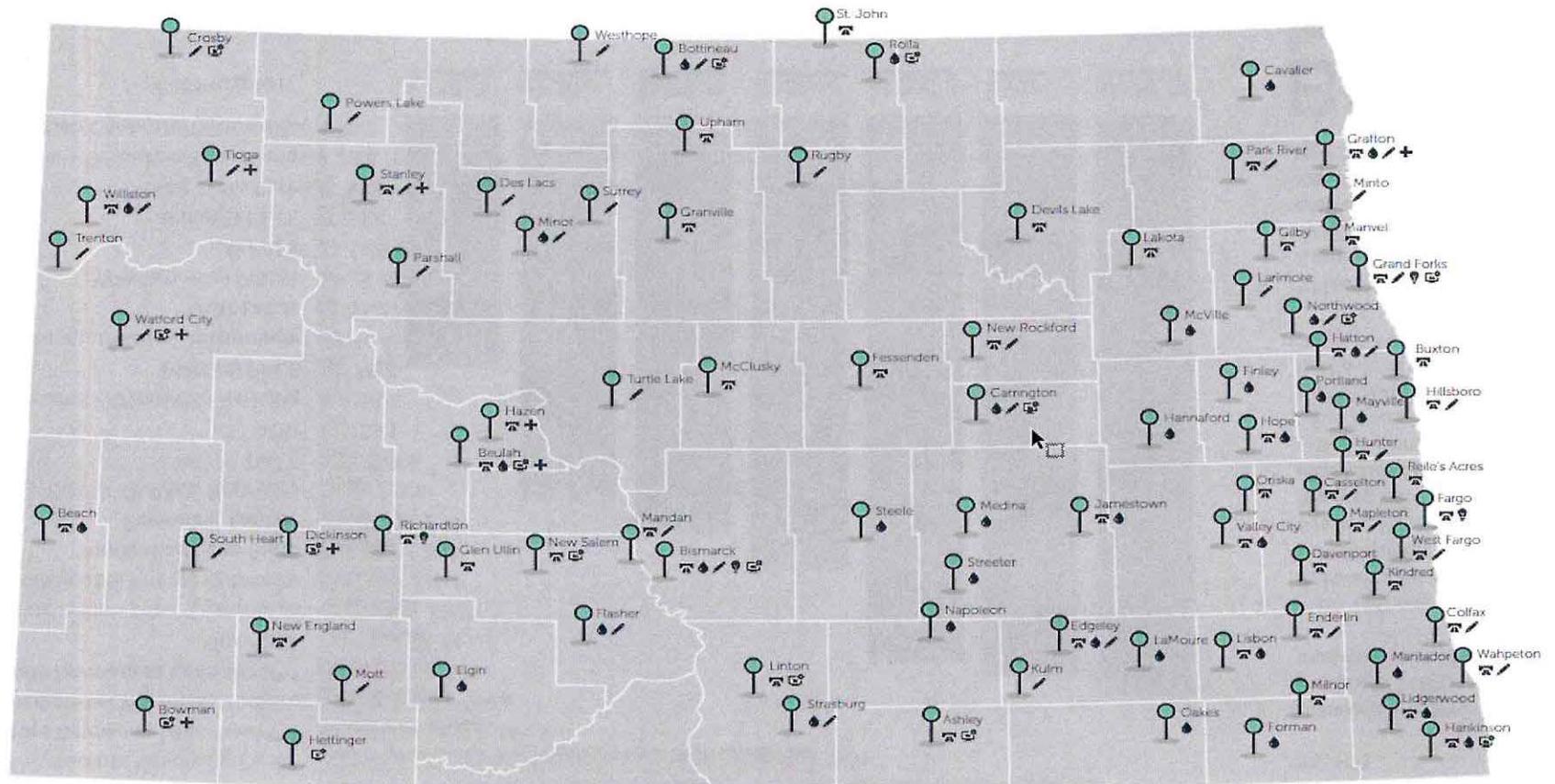
Legislatively Directed Loan Programs

BND administers 23 programs and \$904 million in assets for the Legislature



- BND currently administers programs that serve a wide range of purposes, including school construction, water projects, general and medical infrastructure, and disaster recovery.
- *Infrastructure Revolving Fund includes \$52 million to be transferred from BND's capital.
- ** HB 1187 created The Rebuilders Permanent Loan Fund (RPLF) during the 67th Legislative Session. This permanent revolving loan fund was established by transferring \$50 million in loans and cash from the Small Employer Loan Fund (SELF) created by BND during the Covid 19 pandemic to the RPLF.
- ***The Water Infrastructure Revolving Loan Fund was created by HB 1431. The Fund combined previously reported Community Water and State Water – Revolving Loan Fund.





-  Infrastructure Revolving Loan Fund
-  Water Infrastructure Revolving Loan Fund
-  School Construction Assistance Revolving Loan Fund

-  Innovation Loan Fund
-  Health Information Technology Fund
-  Medical Infrastructure Loan Fund



Timeline of School Construction Revolving Loan Fund

2015 Legislative Session

- Legislature made a decision to offer a low interest revolving loan fund for schools
- Put legislation in place to enable BND to offer the demonstration program utilizing a buydown approach (5% down to 2%)
- In the 2015-2017 Biennium, BND made \$123,000,000 in loans to school districts.



2016 Ballot Measure

- Legislature Passed SCR4003 to place a measure on the ballot
- Measure 2 passed in the 2016 general election enabling legislature to access excess revenues in the Foundation Aid Stabilization Fund for education purposes.

Timeline of School Construction Revolving Loan Fund

2017 Became the "Merge" Session

BND School Construction Loan Fund
\$123,000,000

Foundation Aid Appropriation
\$75,000,000

Land Trust School Construction Fund
\$150,000,000

School Construction Assistance Revolving Loan Fund

NDCC 15.1-36-06

Loan applications received and approved by Department of Public Instruction

Bond issue must be passed by 60% in local election

Eligible for a loan of up to \$10,000,000 for 20-Years

Fixed Interest Rate of 2%



Current Status of SCARLF—January 2023

Cash Balance	38,498,289.00
Repayments through 6/30/2023	15,393,970.00
Available Funds	<u>53,892,259.00</u>
In Construction Commitments	8,716,425.00
Approved Commitments	30,000,000.00
Pending Applications	10,000,000.00
Current Available	5,175,834.00
2023 - 2025 Repayments	45,000,000.00
Available for New Loans 2023-2025	50,175,834.00

Total Loans Outstanding: \$311,000,000

Policy Proposal in SB2284

SECTION 9. AMENDMENT. Subsection 5 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

- 1 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
2 shall issue a loan from the school construction assistance revolving loan fund. For a
3 loan made under this section:
- 4 a. ~~The~~ if the school construction project totals less than seventy-five million dollars,
5 the maximum loan amount for which a school district may qualify is ten million
6 dollars. However, if a school district's unobligated general fund balance on the
7 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
8 loan amount under this section may not exceed eighty percent of the project's
9 cost up to a maximum loan amount of eight million dollars;
- 10 b. If the school construction project totals seventy-five million dollars or more, the
11 maximum loan amount for which a school district may qualify is fifty million
12 dollars. However, if a school district's unobligated general fund balance on the
13 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
14 loan amount under this section may not exceed eighty percent of the project's
15 cost up to a maximum loan amount of forty million dollars;
- 16 c. The term of the loan is twenty years, unless the board of the school district
17 requests a shorter term in the written loan application; and
- 18 e.d. The interest rate of the loan may not exceed two percent per year.

School Construction Project Under
\$75m remains at \$10m loan limit

School Construction Project Over
\$75m increases loan limit to \$50m



Policy Proposal in SB2284

19 **SECTION 10. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
20 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
21 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
22 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
23 and ending June 30, 2025.

**SCALF with \$75 million appropriation from SB 2284
Allows for \$85 million of new loans per biennium**

	2023	2024	2025	2026	2027	2028	2029	2030
Beginning Cash	\$ 5,175,834.00	\$ 63,929,930.25	\$ 47,710,923.98	\$ 34,031,810.99	\$ 22,905,587.08	\$ 14,345,248.04	\$ 8,363,789.68	\$ 4,974,207.80
Appropriation	\$ 75,000,000.00							
Draws Funded	\$ (40,000,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)
Admin Fee	\$ (1,694,239.22)	\$ (1,766,501.74)	\$ (1,825,768.46)	\$ (1,872,039.38)	\$ (1,905,314.51)	\$ (1,925,593.83)	\$ (1,932,877.35)	\$ (1,927,165.08)
Repayments	\$ 25,448,335.47	\$ 28,047,495.47	\$ 30,646,655.47	\$ 33,245,815.47	\$ 35,844,975.47	\$ 38,444,135.47	\$ 41,043,295.47	\$ 43,642,455.47
Ending Cash	\$ 63,929,930.25	\$ 47,710,923.98	\$ 34,031,810.99	\$ 22,905,587.08	\$ 14,345,248.04	\$ 8,363,789.68	\$ 4,974,207.80	\$ 4,189,498.19
Beginning Loans	\$ 324,296,178.84	\$ 338,847,843.37	\$ 353,300,347.90	\$ 365,153,692.43	\$ 374,407,876.96	\$ 381,062,901.49	\$ 385,118,766.02	\$ 386,575,470.55
Draws Funded	\$ 40,000,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00
Repayments	\$ (25,448,335.47)	\$ (28,047,495.47)	\$ (30,646,655.47)	\$ (33,245,815.47)	\$ (35,844,975.47)	\$ (38,444,135.47)	\$ (41,043,295.47)	\$ (43,642,455.47)
Ending Loans	\$ 338,847,843.37	\$ 353,300,347.90	\$ 365,153,692.43	\$ 374,407,876.96	\$ 381,062,901.49	\$ 385,118,766.02	\$ 386,575,470.55	\$ 385,433,015.08

Proposed Change in HB1186

As drafted, the maximum loan amount for which a school district may qualify for a loan from SCARLF would increase from \$10 million to \$20 million.

- Increasing the maximum loan amount from \$10 million to \$20 million, the SCARLF will reduce the number of loans that can be funded at the current level of funding.
- Assuming loans are for the maximum amount:
 - SCARLF can currently fund 4.5 new loans at \$10 million, per loan.
 - An increase to a \$20 million maximum at current funding level is 2.25 new loans.

Policy Question:

If current funding level is maintained...is the Legislature willing to decrease the number of loans that can be funded each biennium?

Proposed Change in HB1186

As drafted, the current 2% interest rate charged to school districts will decrease to 1%.

- Today, the fund receives repayments on existing loans; Biennial repayments total approximately \$45 million. These repayments are available to make new loans.

Example

- \$45 million of new loans generates \$10 million in interest when accrued at 2%, over a 20-year term.
- \$45 million of new loans generates \$4.8 million in interest when accrued at 1% over a 20-year term.

Policy Question

Is the Legislature willing to lower the interest rate on loans to school districts to 1% which revolves funds at a slower rate?

Summary Slide

- HB1186 suggests two policy proposals the SCARLF
 1. Increase the maximum loan amount from \$10m per applicant to \$20m per applicant.
 - Without additional funding, the maximum number of projects that could be funded is reduced from 4.5 to 2.25
 2. Decrease the current 2% interest rate on school construction loans to 1%.
 - Decreasing the interest rate will reduce the amount of funding revolving back into the fund via repayments. \$45,000,000 in new loans will generate \$5,200,000 less, at 20-year loan terms, at 1% than at 2%.
- Proposed Amendment to HB 1186
 1. Allow refinancing of loans secured on the open market into SCARLF
 - Refinancing of market rate bonds would consume capacity of the fund to make new loans.
- SB 2284 proposes to make policy changes to SCARLF
 1. For project under \$75m...retain the \$10m cap.
 2. For projects over \$75m, increase the cap to \$50m.
 3. Appropriate \$75m from Foundation Aid to the SCARLF in the 2023-2025 biennium.

Existing School Construction Loans



School Construction Assistance

January 2023

Name	City	State	Original Note Date	Principal Balance
PARK RIVER AREA SCHOOL DIST #8	PARK RIVER	ND	8/6/2015	\$5,902,983.19
MINTO PUBLIC SCH DISTRICT #20	MINTO	ND	8/7/2015	\$3,536,858.58
KULM PUBLIC SCHOOL DISTRICT #7	KULM	ND	9/15/2015	\$2,698,718.99
WILLISTON BASIN SCHOOL DIST007	WILLISTON	ND	9/25/2015	\$13,634,675.44
NEDROSE SCHOOL DISTRICT #4	MINOT	ND	10/27/2015	\$7,244,605.90
ALEXANDER PUBLIC SCHL DIS NO 2	ALEXANDER	ND	12/15/2015	\$5,674,695.07
GRENORA PUBLIC SCHOOL DIST #99	GRENORA	ND	12/2/2015	\$3,339,911.00
DICKINSON PUBLIC SCHOOL DIS #1	DICKINSON	ND	4/1/2016	\$7,940,734.47
HILLSBORO PUBLIC SCHOOL DIST#9	HILLSBORO	ND	8/11/2016	\$791,417.83
SOUTH HEART SCHOOL DIST 9	SOUTH HEART	ND	9/1/2016	\$5,183,677.98
STRASBURG PUBLIC SCHOOL DIST	STRASBURG	ND	10/12/2016	\$2,086,839.17
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	6/29/2017	\$4,232,096.45
CARRINGTON PUBLIC SCHOOL DIST	CARRINGTON	ND	11/15/2016	\$7,633,382.12
FLASHER PUBLIC SCHOOL DIST #39	FLASHER	ND	12/1/2016	\$3,640,644.50
DIVIDE COUNTY PUB SCHOOL DIST	CROSBY	ND	2/1/2017	\$5,272,800.78



MAPLETON PUBLIC SCHOOL DIST	MAPLETON	ND	2/22/2017	\$3,891,976.85
MOTT REGENT SCHOOL DIST #1	MOTT	ND	3/1/2017	\$4,401,420.77
EDGELEY PUBLIC SCHOOL DIST #3	EDGELEY	ND	5/3/2017	\$2,180,326.76
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	6/30/2017	\$6,501,048.44
HATTON EIELSON DISTRICT 7	HATTON	ND	8/1/2018	\$5,128,962.75
STANLEY PUBLIC SCHOOL DIST #2	STANLEY	ND	6/25/2015	\$3,492,478.53
MANDAN PUBLIC SCHOOL DIST	MANDAN	ND	8/1/2013	\$6,458,616.18
NORTHERN CASS PUB SCHOOL #97	HUNTER	ND	8/1/2013	\$1,035,899.79
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	6/1/2020	\$9,165,268.46
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	8/1/2013	\$10,385,149.52
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	4/1/2014	\$5,704,772.42
RICHLAND PUBLIC SCHOOL DIS #44	COLFAX	ND	8/1/2013	\$2,465,133.61
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	8/15/2013	\$641,792.92
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	7/1/2019	\$4,941,537.73
SURREY PUBLIC SCHOOL DIST #41	SURREY	ND	8/15/2013	\$555,880.48
TURTLE LAKE-MERCER DIST #72	TURTLE LAKE	ND	11/1/2013	\$1,084,803.99



GRAND FORKS PUB SCHOOL DIST #1	GRAND FORKS	ND	12/2/2013	\$8,950,211.40
WAHPETON PUBLIC SCHOOL DIST#37	WAHPETON	ND	1/22/2014	\$11,483,755.52
GRAFTON PUBLIC SCHOOL DIST #18	GRAFTON	ND	4/1/2014	\$8,419,965.62
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	6/30/2014	\$9,831,385.53
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	9/19/2018	\$8,213,861.28
POWERS LAKE PUB SCHOOL DIST#27	POWERS LAKE	ND	7/1/2014	\$1,254,165.56
MINOT PUBLIC SCHOOL DIST #1	MINOT	ND	11/13/2014	\$12,796,281.06
SOUTH PRAIRIE SCHOOL DIST 70	MINOT	ND	11/14/2014	\$5,577,147.22
TIOGA PUBLIC SCHOOL DIST #15	TIOGA	ND	12/1/2014	\$4,379,255.42
WESTHOPE PUB SCHOOL DIST #17	WESTHOPE	ND	12/1/2014	\$1,963,922.74
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	1/28/2015	\$4,570,287.48
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	3/1/2020	\$9,064,775.54
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	12/1/2017	\$7,717,816.35
UNITED PUBLIC SCHOOL DISTRICT	DES LACS	ND	5/15/2018	\$7,998,255.26
EIGHT MILE PUBLIC SCHOOL DIST6	TRENTON	ND	6/1/2018	\$7,305,001.71
NEW ROCKFORD SHEYENNE SCHOOL 2	NEW ROCKFORD	ND	6/1/2018	\$2,646,125.35

PARSHALL SCHOOL DISTRICT	PARSHALL	ND	8/9/2018	\$4,614,652.01
BOTTINEAU PUBLIC SCHOOL DIST	BOTTINEAU	ND	8/1/2019	\$6,524,286.48
NORTHWOOD SCHOOL DISTRICT #129	NORTHWOOD	ND	8/1/2019	\$5,042,208.14
ENDERLIN AREA PSD #24	ENDERLIN	ND	6/18/2020	\$1,267,858.10
RUGBY PUBLIC SCHOOL DIST. NO 5	RUGBY	ND	7/1/2022	\$1,824,253.96
LARIMORE PSD NO 44	LARIMORE	ND	7/1/2022	\$435,672.72



Senate Education Committee

Sen. Elkin Chairman

Testimony on North Dakota Education Funding Formula – SB2284

Presented by Scott Davis, representing Belcourt School District #7, Ft. Yates Public School District, New Town Public School District

Greetings Sen. Elkin and members of the Committee,

My name is Scott Davis. I am the former Executive Director of the ND Indian Affairs Commission, a post I held for 12 years. I know represent Belcourt School District #7, Ft. Yates Public School District, New Town Public School District.

I am here today in support of SB 2284 in that this Bill will provide adequate funding for North Dakota school districts which include North Dakota public schools on Tribal Reservations.

This Bill reminds me an extension of what was done during the 2013 Legislative Session. Then, Governor Dalrymple in unison with the Legislative Body, passed a substantial property tax bill that aided local political subdivisions and school districts that included schools on Tribal Reservations.

What was added to that Bill at the time was to carve out a school funding formula for schools that have no or very limited tax base. The schools that we are addressing today exist on our Air Bases in Minot and Grand Forks, they also include schools in Belcourt, Ft. Totten, Ft. Yates and within the MHA Nation.

The intent of that Bill formula at that time was to get those schools on Formula. Since then, we've had a few budget shortfalls due to falling Oil prices, commodity prices and pandemic. So today, many of the schools are not there yet.

We believe with your support that SB 2284 will get our schools back on track to full Formula and maintain current baseline funding rates and to continue to increase the (transition) maximum percentage in the coming years.

Over the last 10 plus years we recognize that Tribal Nations and you as State leaders have shown great progress in partnership and understandings within your Committees, DPI and the Governor's. We value those meetings, face to face talks, questions and answers as we work together in helping all North Dakotans and Tribal Citizens in obtaining an adequate education.

Our team would be happy to sit down with Committee members as we move this Bill forward.

Mr. Chairman this concluded my testimony at this time, and I'd be happy to answer any questions.

Sincerely,

Scott Davis

SB 2284**SENATE EDUCATION COMMITTEE****Monday, February 6, 2023****Kirsten Baesler, State Superintendent****Department of Public Instruction**

After watching Wednesday's hearing of SB 2284 regarding the selection process for the State Board of Public School Education, I feel it is imperative that I share some facts with you.

Testimony you heard that day was riddled with misinformation at best and is more accurately described as steeped in untruths and mischaracterization. I could not stand by and let them go uncorrected.

The State Superintendent is the Executive Director & Secretary for the State Board of Public School Education and is directed by the ND Legislature to carry out NDCC 15.1-01-01 (3), which states,

"The governor shall appoint new board members from a list of names submitted by a committee consisting of the president of North Dakota united, the president of the North Dakota council of educational leaders, and the president of the North Dakota school boards association."

I know that my predecessor did not follow the law as outlined in NDCC 15.1-01-01 (3), but upon discovery and working with this Governor, NDCC has been followed to the letter of the law.

This packet is being provided as evidence that the testimony given to your committee on Wednesday - stating that the law has not been followed in the past few years - was false and untruthful.

As mentioned, The State Board of Public School Education's most significant work is working with county superintendents and the recommendations coming from county committees appointed by county commissioners and county superintendents, mostly related to property annexations, school re-organizations, and school consolidations.

At first blush, it may seem harmless to change the boundary designations from **county jurisdictions** to **legislative districts**, but there is a clear through-line that exists from **county** jurisdictions to the State Board of Public School Education.

Visiting with the Association of Counties, they believe it is important they be involved in this work before any changes are made to this section of NDCC to ensure their members' interests are represented.

It may also appear to be a good idea to have local superintendents on the State Board of Public School Education, ...but it may not be.

County Commissioners do not appoint local school superintendents to sit on their County Annexation Committees, and they may have a good reason, or they may not – but no one has asked them.

Requiring that a certain number of members of the State Board of Public School Education be members of the North Dakota Council of Education Leaders Association of School Administrators drastically reduces the number of eligible applicants to this board, reducing the selection pool of applicants from a minimum of 17,000 qualified electors from each jurisdiction to approximately 28.

As the Executive Director & Secretary of the State Board of Public School Education, who is tasked by the legislature to “call meetings [of the State Board of Public School Education] as necessary, carry out the policies of the board, and employ personnel necessary to perform the board's duties.” I, too, need to be involved with the critical discussion and work of making any changes to the jurisdictional boundaries and the composition requirements of the board members.

Prior to the filing of SB 2284, I was not aware NDCEL was bringing this forth to the 68th Assembly to consider.

Given the urgency of getting this bill out of Committee on Monday, February 6, but clearly seeing the need to involve more stakeholders in this important and significant work, I respectfully request SB 2284 be amended before it moves out of the Senate in a defective state, to

Remove existing language in Section 1 and Replace it With:

- 4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY- STATE BOARD OF PUBLIC EDUCATION.**
- 2 During the 2023-2024 interim, the legislative management shall consider studying the historical and current composition and geographical distribution of North Dakota's county and state boards of education. The study shall review the composition and geographical distribution of boards from other states and involve state, county, and local stakeholders in the review. The legislative management shall report its findings to the sixty-ninth legislative assembly.

After working with this bill's sponsor, Chairman Elkin, other key Senators, and the NDCEL Executive Director,

I also request the Committee:

Summary of Board of Public School Education Selection Process

Attached are candidate nomination letters to the governor dated July 1, 2020; Dec. 20, 2021; and May 17, 2022. These affected five openings for the Board of Public School Education. All were signed by the president of North Dakota United, the president of the North Dakota Council of Educational Leaders, and the president of the North Dakota School Boards Association.

May 17, 2022: Nomination of five individuals for one seat, and three individuals for a second seat, on the board. Mike McHugh and Eric Nelson were appointed.

Dec. 20, 2021: Nomination of two individuals to serve the unexpired term of board member Maria Effertz Hanson, who resigned. Lyndsi Engstrom was appointed.

July 1, 2020: Nomination of Sonia Meehl for reappointment to the board. She was reappointed.

July 1, 2020: Nomination of eight individuals to succeed incumbent board member Dr. Brian Duchscherer. Burdell Johnson was appointed.

All of the nomination letters were signed by the president of North Dakota United; the president of the North Dakota School Boards Association; and the president of the North Dakota Council of Educational Leaders, as required by NDCC 15.1-01-01(3).

Attached is an email string that details the most recent process of gathering nominations for the board positions that were eventually filled by Mike McHugh and Eric Nelson. The president of the ND Council of Educational Leaders attempted to designate a substitute for the meeting at which the nominees were decided upon. She was informed that designees were not allowed.

Each of these Board of Public School Education openings were accompanied by press releases to advertise them and to announce the appointments themselves. These are attached.

TO THE HONORABLE GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by the action of the three signatories below, present these names, all of whom are eligible voters and reside in the counties of:

Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties:

- Jeff Fastnacht, Mandan, assistant superintendent, Mandan Public Schools
- Lori Furaus, Mandan, Mandan School Board
- Marcus Lewton, Dickinson, superintendent, Dickinson Public Schools
- Mike McHugh, Mandan, education coordinator, North Dakota Aeronautics Commission
- Jennifer Steiner, Golden Valley, rancher, Lone Tree School District board member

Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties:

- Steve Holen, Watford City, superintendent, McKenzie County School District
- Eric Nelson, Williston, technology director, Creedence Energy Services
- Mark Vollmer, Minot, superintendent, Minot Public Schools

(NDCC §15.1-01-01(1)(c))

These names are presented to you for appointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education as a result of the expiration of the terms of Steven Holen, Watford City, ND, and Jeff Fastnacht, Mandan, ND. Both terms will expire on June 30, 2022.

Witness our hands, this 17th day of May 2022.

/s/Nick Archuleta

President, North Dakota United

/s/Karl Lembke

President, North Dakota School Boards Association

/s/Jennifer Fremstad

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by the action of the three signatories below, present the names of:

Elizabeth Crowston, Cavalier, Pembina County, North Dakota

Lyndsi Engstrom, Westhope, Bottineau County, North Dakota

Both of whom are eligible voters and reside in the counties of Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh (NDCC §15.1-01-01(1)(b)). Further, all are North Dakota School Boards Association members, as required (NDCC §15.1-01-01(3))for this position.

These names are presented to you for your consideration of appointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education due to the resignation of Ms. Maria Effertz Hanson. This term will expire on June 30, 2024.

Witness our hands this 20th day of December 2021.

/s/Nick Archuleta

Nick Archuleta

President, North Dakota United

/s/Karl Lembke

Karl Lembke

President, North Dakota School Boards Association

/s/Jennifer Fremstad

Jennifer Fremstad

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by action of the three signatories below, present the names of:

Marsha Lembke, Bismarck, ND

Jason Rohr, Jamestown, ND

Richard Diegel, Steele, ND

Donald Emch, Bismarck, ND

Kenneth Aune, Jamestown, ND

Burdell Johnson, Tuttle, ND

Andrew Jordan, Bismarck, ND

Nick Klemisch, Garrison, ND

all of whom are eligible voters and reside in the counties of Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, or Wells (NDCC §15.1-01-01 (1) (d)).

These names are presented to enable you to fill the vacancy on the State Board of Public School Education as a result of the expiration of the term of Dr. Brian DuChscherer, whose term expired on June 30, 2020

Witness our hands, this 1st day of July 2020.

/s/Nick Archuleta

President, North Dakota United

/s/ Holly Stromsodt

President, North Dakota School Boards Association

/s/Tonya Hunskor

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by action of the three signatories below, present the name of:

Sonia Meehl, Oakes, ND

who is an eligible voter, is a member of the North Dakota School Boards Association and resides in the counties of Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, or Sargent (NDCC §15.1-01-01(1)(c)).

This name is presented to you for reappointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education as a result of the expiration of Ms. Meehl's previous term, which expired on June 30, 2020.

Witness our hands, this 1st day of July 2020.

/s/Nick Archuleta

President, North Dakota United

/s/ Holly Stromsodt

President, North Dakota School Boards Association

/s/Tonya Hunskor

President, North Dakota Council of Educational Leaders

Wetzel, Dale E.

From: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>
Sent: Monday, May 16, 2022 10:02 AM
To: Baesler, Kirsten K.; Neset, Maria O.; Karl Lembke; Archuleta, Nick; Draimee.copas1
Cc: Wetzel, Dale E.; Carmichael, Patty A.; Fishbeck, Donna K.; Hanson, JoDee; Beehler, Jace; Assel, Dustin J.; Fishbeck, Donna K.
Subject: RE: State Board of Public School Education applications

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

I will make some changes to my schedule and attend. Thanks for checking this.

Jenn Fremstad

Principal

West Fargo High School

801 9th St E | West Fargo, ND 58078

P: (701) 356-2050



From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Monday, May 16, 2022 10:01 AM
To: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>
Subject: RE: State Board of Public School Education applications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer,

The attorney general's office has reviewed the statute in full and only the three presidents listed can be part of the committee. No designees.

Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Baesler, Kirsten K.
Sent: Saturday, May 14, 2022 7:27 PM
To: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>
Subject: RE: State Board of Public School Education applications

Jennifer,

Thank you for letting me know about your conflict.

I will contact the assistant attorney general assigned to the State Board of Public School Education to determine if the ND Century Code allows a designee to serve on the committee instead of the President.



Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>
Sent: Saturday, May 14, 2022 7:06 PM
To: Baesler, Kirsten K. <kbaesler@nd.gov>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: Re: State Board of Public School Education applications

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Due to another school obligation, I delegate my responsibility to Dr. Aimee Copas.

Jenn Fremstad
Principal

From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Monday, May 2, 2022 4:10:49 PM
To: Neset, Maria O. <mneset@nd.gov>; Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>
Cc: Wetzels, Dale E. <dewetzels@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: RE: State Board of Public School Education applications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yup, I agree GO can't pre-determine. Thanks.

Some of the applicants are from Burleigh County and northeastern counties from the previous rounds, etc. We will sort them all into appropriate categories before sharing with the Committee members.



Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Neset, Maria O. <mneset@nd.gov>
Sent: Monday, May 2, 2022 3:38 PM
To: Baesler, Kirsten K. <kbaesler@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>
Cc: Wetzels, Dale E. <dewetzels@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: RE: State Board of Public School Education applications

Thank you Kirsten. I believe previously we had to send all as the Governor's Office could not pre-determine who qualified. Thanks 🙏

Cheers,
Maria

Maria Neset
Policy Advisor

Wetzel, Dale E.

From: Wetzel, Dale E.
Sent: Monday, May 2, 2022 4:55 PM
To: Baesler, Kirsten K.; Neset, Maria O.; jfremstad@west-fargo.k12.nd.us; Karl Lembke; Archuleta, Nick
Cc: Carmichael, Patty A.; Fishbeck, Donna K.; Hanson, JoDee; Beehler, Jace; Assel, Dustin J.
Subject: RE: State Board of Public School Education applications

Here are the eligible applicants for the Board of Public School Education:

Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark group:
Jeff Fastnacht, Mandan
Lori Furaus, Mandan
Marcus Lewton, Dickinson
Mike McHugh, Mandan
Jennifer Steiner, Golden Valley

Burke, Divide, McKenzie, Mountrail, Ward, and Williams group:
Steve Holen, Watford City
Eric Nelson, Williston
Mark Vollmer, Minot

Ineligibles (they live in the wrong counties)
Elizabeth Crowston
Richard Diegel
Andrew Jordan
Jeanette Mausehund

Eric P. Nelson and Mark Vollmer also indicated interest in the Board of Higher Education, but did not fill out the SBHE application. SBHE applicants must provide specific information, including:

1. Have you worked in the past two years for an SBHE institution?
2. Have you lived in North Dakota continuously for the past five years?
3. Where did you earn your bachelor's degree?



Dale E. Wetzel
Public Information Specialist
State Capitol, 11th Floor
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Office: (701) 328-2247
Mobile: (701) 400-8557
www.nd.gov/dpi



Register here!

-----Original Message-----

From: Baesler, Kirsten K. <kbaesler@nd.gov>

Sent: Monday, May 2, 2022 3:31 PM

To: Neset, Maria O. <mneset@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>

Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>

Subject: RE: State Board of Public School Education applications

Importance: High

NDCEL, NDSBA, and NDUnited Board Presidents, Please do not review these applications. Some applicants meet the county residence criteria; others do not meet the requirements. These applications appear to be ALL the applications in the system for this board and contain people who had applied for a previously vacant position.

As Executive Secretary of the Board of Public Schools, I will prepare a packet and send it with the meeting invite for this committee of NDCEL, NDSBA, and NDUnited Presidents.

Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

-----Original Message-----

From: Neset, Maria O. <mneset@nd.gov>

Sent: Monday, May 2, 2022 3:19 PM

To: Baesler, Kirsten K. <kbaesler@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>

Cc: Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>

Subject: State Board of Public School Education applications

Please see attachments.

Wetzel, Dale E.

From: Baesler, Kirsten K.
Sent: Wednesday, April 6, 2022 10:53 AM
To: Carmichael, Patty A.
Subject: FW: State Board of Public Education

Importance: High



Patty Carmichael

Executive Assistant to State Superintendent Baesler
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-3264
www.nd.gov/dpi



From: Neseet, Maria O. <mneset@nd.gov>
Sent: Wednesday, April 6, 2022 8:52 AM
To: Archuleta, Nick <nick.archuleta@ndunited.org>; jeff.fastnacht <jeff.fastnacht@msd1.org>; Karl Lembke <lembkekarl@gmail.com>
Cc: Chad Oban <Chad.Oban@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>; Alexis Baxley <alexis.baxley@ndsba.org>; Beehler, Jace <jabeehler@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>
Subject: State Board of Public Education
Importance: High

Good morning!

Just wanted to share our gratitude for your commitment to fulfilling the statutory duty of providing nominations to the Governor's for his consideration in regards to the State Board of Public Education. There are two positions that will require nominations and Governor Burgum would like to have a minimum of 3 applicants and a desired 5 applicants per board position for his consideration. I wanted to ensure this was shared with all of you for awareness. Feel free to let me know if you have any questions. Thank you!

Cheers,
Maria

Maria Neseet
Policy Advisor

701.328.2289 • mneset@nd.gov • www.governor.nd.gov

Wetzel, Dale E.

From: Wetzel, Dale E.
Sent: Friday, December 17, 2021 12:16 PM
To: Baesler, Kirsten K.
Subject: RE: Applicants for State Board of Public School Education

Part of the top of the memo message was cut off in your email
Also, NDCEL lists Fastnacht as president, although that could be wrong
Cheers



Dale E. Wetzel
Public Information Specialist
State Capitol, 11th Floor
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Office: (701) 328-2247
Mobile: (701) 400-8557
www.nd.gov/dpi



From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Friday, December 17, 2021 12:04 PM
To: Archuleta, Nick <nick.archuleta@ndunited.org>; Karl Lembke <lembkekarl@gmail.com>; Jennifer Fremstad <jfremstad@west-fargo.k12.nd.us>
Subject: Applicants for State Board of Public School Education
Importance: High

Dec. 17, 2021

TO: Nick Archuleta, President, North Dakota United
Karl Lembke, President, North Dakota School Boards Association
Jennifer Fremstad, President, North Dakota Council of Educational Leaders

FROM: Kirsten Baesler, State Superintendent of Public Instruction

RE: Appointment to state Board of Public School Education Association Presidents,

13 applications submitted to the Governor's office for possible appointments. The application deadline passed on Wednesday, Dec. 15.

As you are aware, the presidents of North Dakota United, the Council of Educational Leaders, and the School Boards Association are responsible for suggesting potential appointees to the governor. The law ([NDCC 15.1-01-01](#)) does not specify a minimum or maximum number of suggested appointees.

Part of your responsibility is to determine which of these applicants are eligible for the position. The person who is chosen for this particular open position must be a member of the North Dakota School Boards Association and a resident of one

of these counties: Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and Walsh.

The person who is chosen will finish the term of Maria Effertz Hanson. It ends June 30, 2024.

Applicants who indicated specific interest in the state Board of Public School Education are:

Jeanette Mausehund applied 5/19/2021

Andrew Jordan applied 5/19/2021

Richard Diegel applied 5/19/2021

Elizabeth Crowston applied 12/8/2021

Lyndsi Engstrom applied 12/5/20

Applicants during November and December 2021 who said they were interested in any board appointment:

Kent Kirkhammer 12/14/2021

Bryce Stein 12/14/2021

Jesse Mattern 12/13/2021

Jamison Marchand 12/8/2021

Joshua Janssen 11/29/2021

Kevin Dauphinais 11/17/2021

Linda Schwols 11/13/2021

Zachary Jacobson 11/2/2021

I look forward to meeting with you on Monday, December 20 at 4 pm in NDDPI's 11th floor conference room to determine the list of suggested appointees for Governor Burgum.

Thank you for your time, and Merry Christmas.

#

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist

Office 701-328-2247

Cell: 701-400-8557

Email: dewetzel@nd.gov

McHugh, Nelson Named to State Education Board

BISMARCK, N.D., June 23, 2022 – State School Superintendent Kirsten Baesler on Thursday announced that Mike McHugh and Eric Nelson will be joining the North Dakota Board of Public School Education, which provides guidance and oversight for the state’s K-12 system.

McHugh, of Mandan, is the aviation education coordinator for the state Aeronautics Commission, a certified career and technical education teacher, and a former aviation instructor in the Bismarck public schools. Nelson is a Williston resident and a senior technical adviser for Creedence Energy Services, which provides chemical treatment services for the oil industry.

The Board of Public School Education has seven members – the state superintendent of public instruction, who is the board’s executive secretary, and six members who are appointed by the governor to represent groups of counties. The governor’s appointees will serve six-year terms, which start July 1.

Gov. Doug Burgum named McHugh and Nelson as his choices on Thursday. Nelson will represent Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties on the board, while McHugh will represent Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.

Board of Public School Education appointees also are members of the state Board of Career and Technical Education, which oversees North Dakota’s state CTE department. They also are in charge of the North Dakota K-12 Education Coordination Council, which reviews state education programs and encourages collaboration among agencies and interest groups.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2481
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzcl, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzcl@nd.gov

ND State Education Board Seeking Applicants

BISMARCK, N.D., March 23, 2022 – State School Superintendent Kirsten Baesler on Wednesday invited North Dakotans from two groups of counties to apply for the Board of Public School Education, which plays a crucial oversight role in the North Dakota’s education system.

The seven-member board oversees the development of a state learning continuum, which identifies essential skills that students should learn at specific points during their K-12 education. It has charge of the North Dakota K-12 Education Coordination Council, which reviews the effectiveness of state education programs and encourages collaboration among agencies and interest groups.

Board of Public School Education members also are part of the state Board of Career and Technical Education, which oversees North Dakota’s state CTE department and its programs. Last year, the Legislature endorsed a large expansion of the state’s career and technical education system, approving \$88.3 million in grants to develop, equip and maintain area career training centers.

Six members of the Board of Public School Education each represent groups of counties that are specified in state law. The governor appoints them to six-year terms. The state school superintendent is the board’s seventh member and its executive secretary.

The members whose terms are ending represent:

- Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties; and
- Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.

North Dakotans who live in one of the two groups of counties are encouraged to apply through the governor’s website.

Under state law, the governor appoints new board members from a list of names submitted by a committee of three people: the presidents of North Dakota United, the state Council of Educational Leaders, and the North Dakota School Boards Association. The application deadline is 5 p.m. on Friday, April 29.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2
Board of Public School Education

In addition to its other duties, the Board of Public School Education decides school district requests to dissolve, reorganize, or transfer property. Recently, the board reviewed and approved a plan to combine the Williston city school district and a neighboring Williams County district into a single entity, Williston Basin School District No. 7. The union took effect July 1, 2021.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Westhope School Board Member Chosen For State Education Board

BISMARCK, N.D., Jan. 20, 2022 – State School Superintendent Kirsten Baesler announced Thursday that Lyndsi Engstrom, a member of Westhope’s school board, has been appointed to the North Dakota Board of Public School Education.

Engstrom succeeds Maria Effertz Hanson, of Velva, who resigned last month. Gov. Doug Burgum appointed Engstrom to complete Effertz Hanson’s six-year term, which ends June 30, 2024. Engstrom will represent Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties.

Engstrom is director of research, design, and value at the Central Regional Education Association, which is one of seven regional service agencies that provide professional development and support to North Dakota schools. The CREA serves more than three dozen school districts, including Bismarck, Mandan, and Minot. Engstrom has served on the Westhope school board since 2017.

The Board of Public School Education supervises the development of a state learning continuum, which identifies critical skills for students to develop during their K-12 education. The board decides requests from school districts to dissolve, reorganize, or transfer property. It has charge of the North Dakota K-12 Education Coordination Council, which reviews the effectiveness of the state’s education programs.

Members of the board also are automatically part of the state Board of Career and Technical Education, which oversees North Dakota’s state CTE department and programs.

The Board of Public School Education has seven members. Six are appointed by the governor and represent groups of counties, which are specified in state law. The seventh is Baesler, who is the board’s executive secretary. The state Department of Public Instruction provides administrative support to the board.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Dec. 17, 2021

TO: Nick Archuleta, President, North Dakota United
Karl Lembke, President, North Dakota School Boards Association
Jeff Fastnacht, President, North Dakota Council of Educational Leaders

FROM: Kirsten Baesler, State Superintendent of Public Instruction

RE: Appointment to state Board of Public School Education

Gentlemen,

I am sending along 13 applications for the opening on the Board of Public School Education. The application deadline passed on Wednesday, Dec. 15.

As you are aware, the presidents of North Dakota United, the Council of Educational Leaders, and the School Boards Association are responsible for suggesting potential appointees to the governor. The law (NDCC 15.1-01-01) does not specify a minimum or maximum number of potential appointees.

Part of your responsibility is to determine which of these applicants are eligible for the position. The person who is chosen must be a member of the North Dakota School Boards Association and a resident of one of these counties: Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and Walsh.

The governor's website encourages North Dakotans to apply if they are interested in an appointment to any state board. We do not know if all of the applicants are eligible for, or interested in, this specific position.

The person who is chosen will finish the term of Maria Effertz Hanson. It ends June 30, 2024.

Applicants who indicated specific interest in the state Board of Public School Education are:

Jeanette Mausehund applied 5/19/2021
Andrew Jordan applied 5/19/2021
Richard Diegel applied 5/19/2021
Elizabeth Crowston applied 12/8/2021
Lyndsi Engstrom applied 12/5/2021

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2

Board of Public School Education Applicants

Applicants during November and December 2021 who said they were interested in any board appointment:

Kent Kirkhammer 12/14/2021
Bryce Stein 12/14/2021
Jesse Mattern 12/13/2021
Jamison Marchand 12/8/2021
Joshua Janssen 11/29/2021
Kevin Dauphinais 11/17/2021
Linda Schwols 11/13/2021
Zachary Jacobson 11/2/2021

As Ms. Effertz Hanson has left the board, it would be best to accomplish the task of getting a list of suggested appointees to the governor as soon as possible.

Thank you for your time, and Merry Christmas.

###

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Baesler Announces Opportunity to Join Influential Education Board

BISMARCK, N.D., Nov. 23, 2021 – State School Superintendent Kirsten Baesler is encouraging residents of North Dakota’s northern tier of counties to consider applying for the State Board of Public School Education, which plays an important role in the state’s educational system.

The board’s membership includes Baesler, who serves as its executive secretary, and six members who represent groups of counties that are specified in state law (NDCC 15.1-01-01(1)). All six members are appointed by the governor for six-year terms.

Incumbent board member Maria Effertz Hanson plans to resign. A resident of McHenry County, Effertz Hanson represents Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties on the board.

Effertz Hanson’s successor must be a school board member and a resident of one of the 11 specified counties. The person will be chosen to complete Effertz Hanson’s term, which ends June 30, 2024. State law says two of the six appointed board members must be a member of the North Dakota School Boards Association, and Effertz Hanson is one of the two NDSBA members now serving on the board.

Eligible North Dakotans who are interested in succeeding Hanson on the board should apply online through the governor’s office. State law says the governor shall appoint new board members from a list of names submitted by a committee consisting of the president of North Dakota United, the president of the North Dakota Council of Educational Leaders, and the president of the North Dakota School Boards Association. The application deadline is Dec. 15.

The Board of Public School Education acts on requests from school districts to dissolve, reorganize, or transfer property. It supervises the development of a state learning continuum, which identifies skills that are crucial for the well-rounded education of a high school graduate. It has charge of the state K-12 Education Coordination Council, which reviews the effectiveness of North Dakota’s education programs.

Most recently, the board reviewed and approved a historic combination of the Williston city school district and a neighboring Williams County district into a single entity, called Williston Basin School District No. 7. The reorganization took effect July 1, 2021.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2

Board of Public School Education

The Board of Public School Education's members automatically become part of the state Board of Career and Technical Education, which oversees North Dakota's CTE department and CTE programs.

The CTE board will have major new projects to consider soon. During its special session this month, the Legislature approved \$88.3 million in grants to develop, equip, and maintain area career centers. Individual grants may total up to \$10 million.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Johnson, Meehl Appointed To ND Board of Public School Education

BISMARCK, N.D., July 31, 2020 – North Dakota State School Superintendent Kirsten Baesler on Friday announced that Burdell Johnson, of Tuttle, and Sonia Meehl, of Oakes, have been appointed to the state Board of Public School Education.

Members of the seven-member board decide requests from school districts to reorganize, dissolve, and transfer property. They are automatically members of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

Meehl will be serving her second six-year term on the board. An Oakes farmer and former business owner, Meehl represents Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent counties on the board.

Johnson, a farmer, rancher and businessman from Tuttle in Kidder County, will be serving his first six-year term. He will represent Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman and Wells counties.

Gov. Doug Burgum appoints the six citizen members of the Board of Public School Education. Baesler is the seventh board member and serves as its executive secretary. The board's other six members represent groups of counties, which are listed in state law (NDCC 15.1-01-01(1)).

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Candidates Named For State Education Board

BISMARCK, N.D., July 1, 2020 – State Superintendent Kirsten Baesler said Wednesday that a selection committee has forwarded recommendations to Gov. Doug Burgum for appointments to the state Board of Public School Education.

The seven-member board acts on requests from school districts to dissolve, reorganize, or transfer property. Members automatically become part of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

The governor appoints board members to six-year terms. State law requires the presidents of North Dakota United, the North Dakota School Boards Association and the North Dakota Council of Educational Leaders to submit lists of names for openings.

On Wednesday, the presidents agreed to forward the names of eight candidates to the governor to represent Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman and Wells counties. The governor will choose a person from among those candidates to represent that group of counties. The candidates are:

Kenneth Aune, Jamestown, band director at Jamestown Middle School;
Rick Diegel, Steele, the superintendent of Kidder County public schools;
Donald Emch, Bismarck, a retired schoolteacher and administrator;
Burdell Johnson, Tuttle, a farmer/rancher and business owner;
Andrew Jordan, Bismarck, the superintendent of Wilton public schools;
Nick Klemisch, Garrison, the superintendent of Garrison public schools;
Marsha Lembke, Bismarck, a retired former administrator for the North Dakota Department of Transportation; and
Jason Rohr, Jamestown, a senior crop insurance specialist for AgCountry Farm Credit Services.

One candidate, incumbent board member **Sonia Meehl**, of Oakes, applied for a second term. Her name was forwarded to the governor to represent Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent counties.

Baesler is a member of the Board of Public School Education and serves as its executive secretary. Its remaining six members represent groups of counties, which are listed in state law ([NDCC 15.1-01-01\(1\)](#)).

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Baesler Announces Opportunity for Public Service in Education

BISMARCK, N.D., June 3, 2020 – State School Superintendent Kirsten Baesler on Wednesday invited applications for two openings on the Board of Public School Education. The board facilitates cooperation among the state's various K-12 education organizations, and oversees North Dakota career and technical education programs.

Baesler is executive secretary of the board and is responsible for its administration. The board has seven members, including Baesler and six members that represent groups of counties. The groups are listed in state law (NDCC 15.1-01-01(1)).

Applicants are being sought to represent two groups of counties. The person must be an eligible voter and live in one of the counties in the group. The groups are:

1. Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman or Wells counties (NDCC 15.1-01-01(1)(d)); and
2. Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, or Sargent counties (NDCC 15.1-01-01(1)(c)).

The application deadline for the two openings is 5 p.m. Tuesday, June 30. The one-page application form is posted on the Department of Public Instruction's website here:

<https://www.nd.gov/dpi/sites/www/files/documents/SFN%20Forms/SFN%2061841.pdf>

Applications should be sent to dpi@nd.gov at the North Dakota Department of Public Instruction. Applications may also be mailed to the Department of Public Instruction, 600 E. Boulevard Ave., Dept. 201, Bismarck, N.D., 58505.

"This is an opportunity for a North Dakotan who is interested in K-12 education to do important public service work that will benefit education," Baesler said.

Members of the Board of Public School Education are appointed by the governor and serve six-year terms. They meet on the third Monday of each month, except when the board has no pending business. Members are paid \$62.50 per day, plus expenses, for meetings and for performing duties as directed by the board.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

Page 2
Board of Public School Education

The board oversees North Dakota's seven regional education associations, which provide professional development and learning opportunities for teachers, and the operations of the K-12 Education Coordination Council, which reviews North Dakota education services and programs and identifies opportunities for efficiency and collaboration.

Board members automatically become part of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

The Board of Public School Education also acts on requests from school districts to dissolve, reorganize, or transfer property between each other. In addition, its members participate in an education goals and objectives meeting each year with the Board of Higher Education, the Education Standards and Practices Board, and the state Board for Career and Technical Education.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

23.0697.01004
Title.

Prepared by the Legislative Council staff for
Senator Elkin

February 2, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, remove "section 15.1-21-12.1,"

Page 1, line 2, after the third comma insert "subdivision o of subsection 1 of section 15.1-27-03.1,"

Page 1, line 6, after the first comma insert "and"

Page 1, line 6, remove ", and professional development"

Page 1, line 7, remove "for reading"

Page 1, line 7, after the first semicolon insert "to provide for a legislative management study; to provide an appropriation; to provide for an exemption;"

Page 4, remove lines 4 through 31

Page 5, remove lines 1 through 16

Page 14, line 19, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 14, line 19, after "revenue" insert "and revenues received under section 57-51-15"

Page 14, line 19, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 14, line 21, overstrike "2020" and insert immediately thereafter "2022"

Page 14, line 22, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 8, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 21, line 8, after "revenue" insert "and revenues received under section 57-51-15"

Page 21, line 8, overstrike "paragraph 1" and insert immediately thereafter "paragraphs 1 and 2"

Page 21, line 10, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 11, overstrike "2020" and insert immediately thereafter "2022"

Page 22, after line 18, insert:

**"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SCHOOL
TRANSPORTATION SERVICES FUNDING.** During the 2023-25 interim, the legislative

management shall study school transportation services funding. The study must include a review of the formula for funding school transportation services and an assessment of whether a factor-based model would fund school transportation more appropriately. 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 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.

There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.

Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and implementing systematic direct literacy instruction as appropriated in section 10 of this Act."

Page 22, line 24, replace "6" with "5"

Renumber accordingly

23.0697.01002
Title.

Prepared by the Legislative Council staff for
Representative Richter
January 26, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2284

Page 1, line 2, after the third comma insert "subdivision o of subsection 1 of section 15.1-27-03.1,"

Page 14, line 19, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 14, line 19, after "revenue" insert "and revenues received under section 57-51-15"

Page 14, line 19, overstrike "paragraph" and insert immediately thereafter "paragraphs"

Page 14, line 19, after "1" insert "and 2"

Page 14, line 21, overstrike "2020" and insert immediately thereafter "2022"

Page 14, line 22, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 8, after "(2)" insert "Revenues received under section 57-51-15 must be adjusted to reflect the average amount received by the school district for the five-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium.

(3)"

Page 21, line 8, after "revenue" insert "and revenues received under section 57-51-15"

Page 21, line 8, overstrike "paragraph" and insert immediately thereafter "paragraphs"

Page 21, line 8, after "1" insert "and 2"

Page 21, line 10, overstrike "2020" and insert immediately thereafter "2022"

Page 21, line 11, overstrike "2020" and insert immediately thereafter "2022"

Renumber accordingly



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Donald Schaible

District 31
9115 Highway 21
Mott, ND 58646-9200
dgschaible@ndlegis.gov

COMMITTEES:
Appropriations

February 15, 2023

Introduction to SB 2284 Senator Don Schaible, District 31

Good afternoon, Chairman Bekkedahl and Senate Appropriations Committee. For the record, my name is Senator Don Schaible, here to introduce SB 2284 which will be the K-12 funding bill. Sometimes there is questions why this bill is not included in the K-12 budget bill, but I believe that Education Policy should also have their fingerprints on this bill also, for it's very hard to separate policy from appropriations and I believe policy should be involved with the processes. I will walk through each section, and if you would like, I can take questions over each section.

Sec. 1 suggest that members of the State Board of Public Education selected by legislative districts rather than counties would provide better representation with more even population and with counties, it has been difficult to find people that wanted to serve on the board. The clarification that is offer in subsection 3. Pg 2 is what has been in practice for years until lately so it may be good to clarify the intentions of how members are appointed. Line 17-19 also indicates that two members must be working administrators. These clarification came for issues that have recently took place because of issues for CTE centers and projects with CARES and ESSER moneys that were made available during the last session and special session.

Sec. 2 Adding language "in the school district" is clarify the probationary teacher in the same district. This question was put before the supreme court during the last interim and they ruled that legislative intent was that the 2 years were in the same school district, this just clarifies century code to match intent and court ruling.

Sec. 3 came at the request of the North Dakota School Board Association to make sure that the definition of Weapon is consistent though out Century Code.

Sec. 4 0. On page 5 line 26 allows for total on time funding by accelerating the on time weighting factor to 1.0 in 2023-24; this was scheduled to be phased in by 2025-26 by raising the factor by a .1 The cost of this is \$5.3 million.

Section 6 deals with a bill we heard earlier for school that are closer than 19 miles. This language is no longer needed.

Section 7 page 9 is where we suggest a 3 x 3 increase for the next biennium with the per pupil payment to be \$10544 for 2023-24 and \$10860 for 2024-25

The strikes out language Page10 Starting line 23 through page 12 line 7 removes the requirement on transition maximum schools and moves them all on the formula at a cost of \$14.8 million.

On page 13 starting on line 6 deals with in-lieu of revenue. This change request that the in-lieu revenue would be averaged over a 5 year period to take large swings in how this money is allocated.

Starting on page 14 is a large amount of duplicated language which is necessary because of a effective date of after June 30, 2025. This duplicated language continues to page 20 line 24

Sec.8 suggests to our current school construction loan program. Under our current program, school can ask for a \$10m loan at 2% interest for school construction for 20 years. This program was started in 2015 with the intent of creating a revolving low interest loan fund that would become self-sustaining with out any additional cost to the state. This School construction loan fund has see a few changes, but has been very successful to our schools even during a period of low interest rates. The improvements in this bill intend to correct a couple of issue that still remain. One of the biggest complaints is that \$10 million was not much help to our larger school that projects are costing much higher levels than \$10 million. So the amendment on page 21 creates a two tiered system for smaller schools projects costing less than \$75 million could apply for a \$10 million loan and projects over \$75 million, schools could apply for a \$50 million low interest loan.

Sec 9 suggests a study of school transportation services funding

Sec 10 requests \$1,000,000,000 of general funding and in sec 11 \$1,000,000,000 of turn back dollars implementing The Science of Reading we implemented from last session.

Sec. 12 provides an infusion of \$75 million to the construction loan program which provides a good start to creating a two tiered program that should provide property tax relief to school construction and moves us along to getting a self-sustaining revolving loan fund. .

23.0697.02001
Title.

Prepared by the Legislative Council staff for
Senator Schaible
February 16, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2284

Page 13, line 6, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 13, remove lines 7 through 9

Page 13, line 10, remove "(3)"

Page 13, line 10, remove "and revenues received under section"

Page 13, line 11, remove "57-51-15"

Page 13, line 11, remove the overstrike over "~~paragraph 1~~"

Page 13, line 11, remove "paragraphs 1 and 2"

Page 19, line 29, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 19, remove line 30

Page 20, remove lines 1 and 2

Page 20, line 3, remove "(3)"

Page 20, line 3, remove "and revenues received under section"

Page 20, line 4, remove "57-51-15"

Page 20, line 4, remove the overstrike over "~~paragraph 1~~"

Page 20, line 4, remove "paragraphs 1 and 2"

Re-number accordingly



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2284
House Education | March 13, 2023
Testimony of Alexis Baxley

Good morning, Chairman Heinert, and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

The North Dakota School Boards Association stands in support of SB 2284. I will walk my testimony through the bill section by section in an attempt to be clear and succinct.

NDSBA is supportive of the changes to the state board of public school education composition in Section 1. We believe it is incredibly important to maintain a base level of school board and educator experience on the board due to the increased work load and educational focus of the board. While the board's work used to be largely annexations, we have added a significant number of duties and oversight authority to the board in recent sessions. The board benefits greatly from having experienced board members and administrators among its membership when completing these duties. Additionally, adding the option of the designee to the committee will provide our organizations with some appreciated flexibility. Limiting the list to three names will ensure the committee forwards only the most qualified candidates to the Governor for consideration and that only those names forwarded will be considered.

The clarifying language regarding probationary teachers in Section 2 is appreciated and ensures that legislative intent is clear. The intent of this chapter was challenged before the ND Supreme Court over the past biennium, so the addition of this language will help mirror the ruling of the court as well.

Section 3 includes the definition of a dangerous weapon according the NDCC § 62.1-01-01. NDSBA asked that dangerous weapon be defined in chapter 15.1 in order to provide clarity to school districts who are tasked with disciplining students who bring weapons to school. Currently, that section of code requires that school districts adopt a policy governing the possession of dangerous weapons and firearms on school property or at school functions. I think we are all pretty clear as to what a firearm is, but what a weapon is according to this section has been less clear. The bill as written uses North Dakota's definition, but I would like to respectfully request that the committee consider amending the bill to use the federal definition provided in 18 USC § 930. I have included in my online testimony the proposed amendment. The federal definition reads as follows:

“...a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.”

The biggest difference between the two definitions is two and a half inches of knife blade. Currently, students under IDEA who bring a weapon to school would be subject to the federal definition. Aligning the definition in this section of code to the federal definition provides clarity to districts no matter which students are involved.

If you are looking at the provided amendment, you have likely more changes than the definition. In subsection 2 of NDCC § 15.1-19-10 we are asking that current language be clarified to state that the policy of school district must include that suspension and expulsion MAY be a punishment for possession of a dangerous weapon. Federal law requires that an expulsion of one year occur as a result of a student possessing a firearm. It does not have the same requirement for a dangerous weapon. This change would codify what is currently happening in school districts. Current law is unclear as to whether the policy must include suspension and expulsion OR that the *punishment* must be suspension or expulsion. This becomes problematic when students, usually quite young, innocently bring the cool pocket knife gifted to them by grandpa to school for example. Administrators and school boards know that expulsion in these scenarios is overkill and detrimental to the student. Most of the time they use good judgement and allow the student to stay, but without this amendment it isn't clear whether or not that is a legal decision. I ask that you consider this amendment and confirm what we believe the initial legislative intent to be. I have worked with Robin Lang at NDDPI to ensure that the amendment and resulting language is in compliance with the federal Gun Free Schools Act as well.

Next, NDSBA is supportive of the increased per pupil payment and continued commitment to on-time funding in Sections 4, 5, 6, and 7. The per pupil payment in this bill is a great starting point to ensure our districts are able to continue to serve their students over the next biennium despite record inflation.

We are also supportive in the increased maximum school construction loan in Section 8 and the transfer in section 12. These dollars are a great investment in the future of North Dakota.

Finally, the transportation study included in Section 9 will provide valuable insight regarding school transportation funding as we look to continue to serve students across North Dakota.

I respectfully ask that the committee give SB 2284 a do-pass recommendation and consider the amendment provided. I would be happy to stand for any questions.

SECTION 3. AMENDMENT. Subsection 6 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must:
 - 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.**
 - b. require a student who possesses a firearm in violation of this section **must** be expelled for at least one year.
 - c. ~~The school district firearms policy must~~ 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 referral to criminal justice or juvenile delinquency system for students who possess a firearm in violation of this section.
3. If a school district expels a student under this section, the district may authorize the provision of educational services to the student in an alternative setting.
4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.].
5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.
6. For purposes of this section:
 - a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
 - b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
 - c. ~~"Dangerous Wweapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. The term does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alphachloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to~~

~~apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.~~ has the meaning provided in 18 U.S.C 930.

Testimony in Support of SB 2284 – House Education Committee

Chairman Heinert and members of the House Education Committee, for the record my name is Bob Marthaller, representing North Dakota United.

Chairman Heinert, North Dakota United is pleased to provide testimony in general support of SB 2284, and we wish to thank you and Senator Schaible as well as Senator Elkin and Representative Nathe for your leadership and efforts to provide quality educational opportunity for North Dakota students. The members and leadership of North Dakota United, also want to thank you for your support and efforts to provide adequate and equitable financial resources to public schools and school districts. Your efforts have made it possible for school boards, administrators, teachers, and many other school staff to continue working to provide the best possible education system for North Dakota students.

Chairman Heinert and members of the committee, North Dakota United believes that North Dakota teachers are among the best in the nation. Along with parental and community support and involvement, we believe our education system and quality instruction provided by North Dakota teachers, will have our students choice ready and graduate ready to pursue additional formal education or training, enter the military, or become a part of the state workforce.

We also recognize the work is not complete and there is much left to be done. Education is a continuous process and for our students to be prepared to pursue multiple opportunities, adequate and equitable resources must be made available. Services such as career counseling, special education related resources and supports for students with learning

challenges, mental health and other student supports, resources for critical infrastructure such as technology and safe and functional facilities must be supported and expanded.

Teachers and school support staff are critical to the mission, and we must do the best that we can to support them, including providing a competitive compensation and benefit package. We know that our state is challenged by teacher shortages at every level and in all content areas and we also know that providing increases in funding for salary and benefits will help to recruit and retain quality individuals. To this end, North Dakota United requests that the State of North Dakota provide financial resources to local school districts at the highest extent possible.

That's why North Dakota United wishes to propose a significant increase in funding for public school districts, increases in funding that local school boards can manage at the local level in support of education in their communities.

SB 2284, (version .03000) sets the state rate at \$10,544 per weighted student units for the 2023-24 school year and \$10,860 for the 2024-25 school year.

Chairman Heinert and members of the committee, North Dakota United respectfully asks that the rate for the 2023-24 school year be set at \$11,056 per weighted student unit and for the 2024-25 school year, the rate be set at \$11,940. These rates represent about an 8% increase for each year of the biennium and, with the help of the professional staff at the Department of Public Instruction, North Dakota United estimates the additional cost for the biennium to be approximately \$346 million.

At North Dakota United we recognize this is a huge number for the House Education Committee to consider. However, North Dakota United believes this number is attainable and

we hope for your serious consideration as SB 2284 moves forward for further debate and deliberation.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Donald Schaible

District 31
9115 Highway 21
Mott, ND 58646-9200
dgschaible@ndlegis.gov

COMMITTEES:
Appropriations

March 13, 2023

Introduction to SB 2284 Senator Don Schaible, District 31

Good afternoon, Chairman Heinert and the House Education Committee. For the record, my name is Senator Don Schaible, here to introduce SB 2284 which will be the K-12 funding bill. Sometimes there is questions why this bill is not included in the K-12 budget bill, but I believe that Education Policy should also have their fingerprints on this bill also, for it's very hard to separate policy from appropriations and I believe policy should be involved with the processes. I will walk through each section, and if you would like, I can take questions after each section and/or after my presentation.

Sec. 1 suggest that members of the State Board of Public Education selected by legislative districts rather than counties would provide better representation with more even population than with counties for it has been difficult to find people that wanted to serve on the board. The clarification that is offer in subsection 3. Pg 2 is what has been in practice for years until lately so it may be good to clarify the intentions of how members are appointed. Line 17-19 also indicates that two members must be working administrators. This clarification came for issues that have recently took place because of issues for CTE centers and projects with CARES and ESSER moneys that were made available during the last session and special session.

Sec. 2 Adds language "in the school district" to clarify that probationary teacher in the same district are affected by this section. This question was put before the supreme court during the last interim and they ruled that legislative intent was that the 2 years were in the same school district, this just clarifies century code to match intent and court ruling.

Sec. 3 came at the request of the North Dakota School Board Association to make sure that the definition of Weapon is consistent though out Century Code.

Sec. 4 and 5 Deals with on-time funding.

On page 5 line 26 allows for total on time funding by accelerating the on time weighting factor to 1.0 in 2023-24; this was scheduled to be phased in by 2025-26 by raising the factor by a .1 The cost of this is \$5.3 million. Section 5 explains how a school will pay back for student that were paid for but not in the school district at the end of the school year.

Section 6 deals two or more schools that consolidated and if they are so many miles apart, they could use the size weighted factor of their original numbers that would produce more money for the district. The strike out language set that distance of 19 miles or more. This has been addressed in other bills and is no longer needed.

The first thing I would like to mention about Section 7 that there is 6 pages of duplicate language that start on page 7 line 3 through page 13 line 26, and page 13 line 27 through page 20 line 13. This duplicate language is necessary because of details that are required with the different dates. The first language is for code effective through June 30, 2025, and the second set of language effective after June 30, 2025.

Section 7 starting on page 9 is where we suggest a 3% x 3% increase for the next biennium per pupil payment to be \$10544 for 2023-24 and \$10860 for 2024-25.

The strikes out language Page 10 Starting line 23 through page 12 line 7 removes the requirement on transition maximum schools and moves them all on the formula at a cost of \$14.8 million.

Sec. 8 suggests to our current school construction loan program. Under our current program, school can ask for a \$10m loan at 2% interest for school construction for 20 years. This program was started in 2015 with the intent of creating a revolving low interest loan fund that would become self-sustaining without any additional cost to the state. This School construction loan fund has seen a few changes but has been very successful to our schools even during a period of low interest rates. The improvements in this bill intend to correct a couple of issue that still remain. One of the biggest complaints is that \$10 million was not much help to our larger school that projects are costing much higher levels than \$10 million. The amendment on page 20 creates a two tiered system for smaller schools projects costing less than \$75 million could apply for a \$10 million loan and projects over \$75 million, schools could apply for a \$50 million low interest loan.

Sec 9 suggests a study of school transportation services funding.

Sec 10 requests \$1,000,000 of general funding and in sec 11 \$1,000,000 of turn back dollars implementing The Science of Reading we implemented from last session.

Sec. 12 provides an infusion of \$75 million to the construction loan program which provides a good start to creating a two tiered program that should provide property tax relief to school construction and moves us along to getting a self-sustaining revolving loan fund. .

Chairman Heinert and members of the house education committee. My name is Mike McHugh and I reside in rural Morton County. I have been active in education for 20 years including 12 years in the classroom as a Career and Technical Education Teacher. I have also had the pleasure of serving on a variety of groups impacting education including Superintendent Baesler's family engagement cabinet, the ESSA committee and as of last year a member of the State Board of Public School Education and the State Board of Career and Technical Education. I am here today in opposition to section 1 of Senate Bill 2284.

This section of the bill appears to be a solution looking for a problem.

The structure of this board has been in place for a number of years without issue. When the appointment process was created in century code, it is clear that the framers found it valuable to include geographic representation, ensuring that the appointee is familiar with issues in the given set of counties close to where they live. This is different than many other state boards, which look first at other criteria. The largest issue with adding a requirement of having two members being employed by a ND School district and active members of the ND association of school administrators, in addition to two members being school board members on this six person board is that four of the six members would have a geographic criteria and an additional criteria. Since two seats are appointed by the governor every two years, it would make it impossible for an at large member to serve on this board if they happen to reside in at least two geographic areas. As those seats are reappointed this could continue perpetually in those areas. I also suggest that individuals such as retired superintendents may be at a minimum, equally qualified to fulfill these duties but would not be eligible if a seat is needing someone who is currently employed. While it is true that historically school administrators have had ample representation on the board, and I would anticipate this to be true in the future, codifying this along with the requirements of geography present a great challenge for the governor in making appointments and individuals seeking a position on the board. I appreciate input from a variety of stakeholders and find our current process nimble and this section creates a burden on the process.

Additionally, I don't believe that changing the appointment of individuals from counties to legislative districts solves any problems but does change the natural flow that we have for many issues in education which originate at the county level.

Finally, as you have heard, the State Board of Public School Education and the State Board of Career and Technical Education have been tasked with a number of additional duties in recent years. While it is important to have the perspective of administrators when making decisions, it is also important to have the perspective of individuals that are in industry. This is especially important on the State Board for Career and Technical Education.

This section has several issues. I will again mention that I have no objection to this bill if section 1 is to be removed. Thank you for your time and I stand for any questions.

Mike McHugh

SB 2284
HOUSE EDUCATION COMMITTEE
Monday, March 13, 2023
Kirsten Baesler, State Superintendent
Department of Public Instruction

Chairman Heinert and members of the House Education Committee.

My name is Kirsten Baesler. I am the North Dakota Superintendent of Public Instruction, and I am here to speak in support of SB 2284 with one amendment related to Section 1.

The State Superintendent is the Executive Director & Secretary for the State Board of Public School Education and is directed by the ND Legislature to carry out NDCC Chapter 15.1-01 – State Board of Public School Education.

The State Board of Public School Education's most significant work is working with **county** superintendents and the recommendations coming from **county** committees appointed by county commissioners and county superintendents, mostly related to property annexations, school re-organizations, and school consolidations.

At first blush, it may seem harmless to change the boundary designations from **county jurisdictions** to **legislative districts**, but as you can see, there is a clear through-line that exists from **county** jurisdictions to the State Board of Public School Education.

After visiting with the Association of Counties, it is important they be involved in this work before any changes are made to this section of NDCC to ensure their members' interests are represented.

It may also appear to be a good idea to have local superintendents on the State Board of Public School Education, ...but it may not be.

County Commissioners do not appoint local school superintendents to sit on their County Annexation Committees, and they may have a good reason. Or they may not. But no one has asked them.

Requiring that a certain number of members of the State Board of Public School Education be members of the North Dakota Council of Education Leaders Association of School Administrators drastically reduces the number of eligible applicants to this board, reducing the selection pool of applicants from a minimum of 17,000 qualified electors from each jurisdiction to approximately 28.

As the Executive Director & Secretary of the State Board of Public School Education, who is tasked by the legislature to “*call meetings [of the State Board of Public School Education] as necessary, carry out the policies of the board, and employ personnel necessary to perform the board's duties.*” I, too, need to be involved with the critical discussion and work of making any changes to the jurisdictional boundaries and the composition requirements of the board members.

Prior to the filing of SB 2284, I was not aware this change was being proposed to the 68th Assembly to consider.

The need to involve more stakeholders in this important and significant work is evident. I respectfully request that SB 2284 be amended.

Mr. Chairman, an official amendment has been drafted, and I will look to you to determine the appropriate time to address removing the existing language in Section 1 and replace it with the following:

SECTION 9. LEGISLATIVE MANAGEMENT STUDY - STATE BOARD OF PUBLIC SCHOOL EDUCATION. During the 2023-24 interim, the legislative management shall consider studying the historical and current composition and geographical distribution of the state board of public school education and county education committees. The study must include the composition and geographical distribution of education boards in other states. The study must include input from state, county, and local stakeholders. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-ninth legislative assembly."

House Education Committee

Rep. Pat Heinert Chairman

Testimony – SB2284

Presented by Scott Davis, representing Belcourt School District #7, Ft. Yates Public School District, New Town Public School District

Greetings Rep. Heinert and members of the Committee,

My name is Scott Davis. I am the former Executive Director of the ND Indian Affairs Commission, a post I held for 12 years. I know represent Belcourt School District #7, Ft. Yates Public School District, New Town Public School District.

I am here today in support of SB 2284 in that this Bill will provide adequate funding for North Dakota school districts which include North Dakota public schools on Tribal Reservations.

This Bill reminds me an extension of what was done during the 2013 Legislative Session. Then, Governor Dalrymple in unison with the Legislative Body, passed a substantial property tax bill that aided local political subdivisions and school districts that included schools on Tribal Reservations.

What was added to that Bill at the time was to carve out a school funding formula for schools that have no or very limited tax base. The schools that we are addressing today exist on our Air Bases in Minot and Grand Forks, they also include schools in Belcourt, Ft. Totten, Ft. Yates and within the MHA Nation.

The intent of that Bill formula at that time was to get those schools on Formula. Since then, we've had a few budget shortfalls due to falling Oil prices, commodity prices and pandemic. So today, many of the schools are not there yet.

We believe with your support that SB 2284 will get our schools back on track to full Formula and maintain current baseline funding rates and to continue to increase the (transition) maximum percentage in the coming years.

Over the last 10 plus years we recognize that Tribal Nations and you as State leaders have shown great progress in partnership and understandings within your Committees, DPI and the Governor's. We value those meetings, face to face talks, questions and answers as we work together in helping all North Dakotans and Tribal Citizens in obtaining an adequate education.

Our team would be happy to sit down with Committee members as we move this Bill forward.

Mr. Chairman this concluded my testimony at this time, and I'd be happy to answer any questions.

Sincerely,

Scott Davis

FISCAL NOTE
SENATE BILL NO. 2284
LC# 23.0697.03000
02/22/2023

1 - State Fiscal Effect

Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2021-2023 Biennium		2023-2025 Biennium		2025-2027 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$(1,000,000)					
Expenditures			\$140,355,344			
Appropriations				\$76,000,000		

2 - County, City, School District, and Township Fiscal Effect

Identify the fiscal effect on the appropriate political subdivision.

	2021-2023 Biennium	2023-2025 Biennium	2025-2027 Biennium
Counties			
Cities			
School Districts			
Townships			

3 - Bill and Fiscal Impact Summary

Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).

SB 2284 increases the school district Integrated Formula Payment and provides a \$75 million appropriation for the school construction revolving loan fund.

4 - Fiscal Impact Sections Detail

Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.

Sections 5 and 6 accelerate the on-time weighting factor to 1.0 in 2023-24; this was scheduled to be phased in by 2025-26. The fiscal impact of this section is \$5.3 million.
 Section 8 moves all transition maximum school districts onto the funding formula. The cost for this change is \$14.8 million. Section 8 gives a 3% increase yearly of the biennium to the per pupil payment rate. The new rates would be \$10,544 and \$10,860 for 2023-24 and 2024-25. The cost of this change is \$119.9 million.

Section 9 increases the maximum loan amount under the school construction revolving loan fund from \$10 million to \$50 million for projects over \$75 million.
There is an increase to the fiscal impact on SB 2328 of \$380,000. SB 2328 generates additional student units for districts that operate 2 plants at least 14 miles apart. These additional students would also receive the 3% and 3% increase in SB 2284.

5 - Revenues Detail

For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Section 10 allows DPI to use \$1 million from carryover funds for professional learning related to the science of reading.

6 - Expenditures Detail

For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The changes in SB 2284 increases the expenditures in the integrated formula payments line in the DPI budget.

7 - Appropriations Detail

For information shown under state fiscal effect in 1 or 2, please explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

SB 2284 transfers \$75 million from the foundation aid stabilization fund to the school construction assistance revolving loan fund.
The DPI appropriation is in SB 2013. The cost to continue is (\$35.3 million). The additional expenditures of \$140.35 million would require an increase in appropriation of \$105 million.

Section 10 allows DPI to use \$1 million from carryover funds for professional learning related to the science of reading.

Contact Information

Name: Adam Tescher

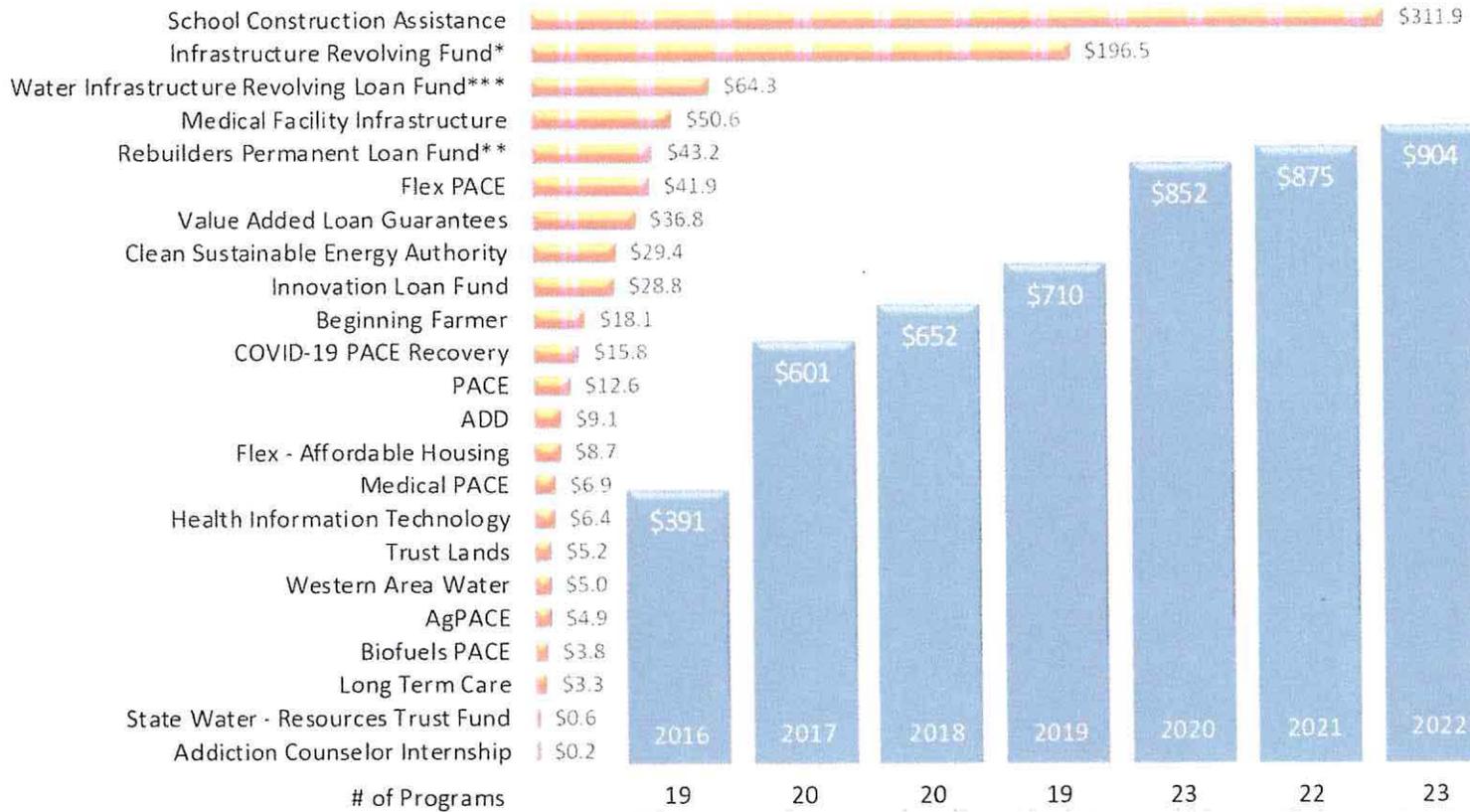
Agency: North Dakota Department of Public Instruction

Telephone: 7013293291

Date Prepared: 02/20/2023

Legislatively Directed Loan Programs

BND administers 23 programs and \$904 million in assets for the Legislature



- BND currently administers programs that serve a wide range of purposes, including school construction, water projects, general and medical infrastructure, and disaster recovery.
- *Infrastructure Revolving Fund includes \$52 million to be transferred from BND's capital.
- ** HB 1187 created The Rebuilders Permanent Loan Fund (RPLF) during the 67th Legislative Session. This permanent revolving loan fund was established by transferring \$50 million in loans and cash from the Small Employer Loan Fund (SELF) created by BND during the Covid 19 pandemic to the RPLF.
- ***The Water Infrastructure Revolving Loan Fund was created by HB 1431. The Fund combined previously reported Community Water and State Water – Revolving Loan Fund.

Timeline of School Construction Revolving Loan Fund

2015 Legislative Session

- Legislature made a decision to offer a low interest revolving loan fund for schools
- Put legislation in place to enable BND to offer the demonstration program utilizing a buydown approach (5% down to 2%)
- In the 2015-2017 Biennium, BND made \$123,000,000 in loans to school districts.



2016 Ballot Measure

- Legislature Passed SCR4003 to place a measure on the ballot
- Measure 2 passed in the 2016 general election enabling legislature to access excess revenues in the Foundation Aid Stabilization Fund for education purposes.

Timeline of School Construction Revolving Loan Fund

2017 Became the "Merge" Session



23.0697.03002
Title.

Prepared by the Legislative Council staff for
Representative Richter
March 2, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, replace the first comma with "and 15.1-01-03,"

Page 1, line 4, after the second comma insert "a policy to revert a reorganized school district back to separate districts,"

Page 3, after line 5, insert:

"SECTION 2. 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 the 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 or town. 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."

Page 21, line 5, replace "2023-25" with "2023-24"

Summary of Board of Public School Education Selection Process

Attached are candidate nomination letters to the governor dated July 1, 2020; Dec. 20, 2021; and May 17, 2022. These affected five openings for the Board of Public School Education. All were signed by the president of North Dakota United, the president of the North Dakota Council of Educational Leaders, and the president of the North Dakota School Boards Association.

May 17, 2022: Nomination of five individuals for one seat, and three individuals for a second seat, on the board. Mike McHugh and Eric Nelson were appointed.

Dec. 20, 2021: Nomination of two individuals to serve the unexpired term of board member Maria Effertz Hanson, who resigned. Lyndsi Engstrom was appointed.

July 1, 2020: Nomination of Sonia Meehl for reappointment to the board. She was reappointed.

July 1, 2020: Nomination of eight individuals to succeed incumbent board member Dr. Brian Duchscherer. Burdell Johnson was appointed.

All of the nomination letters were signed by the president of North Dakota United; the president of the North Dakota School Boards Association; and the president of the North Dakota Council of Educational Leaders, as required by NDCC 15.1-01-01(3).

Attached is an email string that details the most recent process of gathering nominations for the board positions that were eventually filled by Mike McHugh and Eric Nelson. The president of the ND Council of Educational Leaders attempted to designate a substitute for the meeting at which the nominees were decided upon. She was informed that designees were not allowed.

Each of these Board of Public School Education openings were accompanied by press releases to advertise them and to announce the appointments themselves. These are attached.

TO THE HONORABLE GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by the action of the three signatories below, present these names, all of whom are eligible voters and reside in the counties of:

Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties:

- Jeff Fastnacht, Mandan, assistant superintendent, Mandan Public Schools
- Lori Furaus, Mandan, Mandan School Board
- Marcus Lewton, Dickinson, superintendent, Dickinson Public Schools
- Mike McHugh, Mandan, education coordinator, North Dakota Aeronautics Commission
- Jennifer Steiner, Golden Valley, rancher, Lone Tree School District board member

Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties:

- Steve Holen, Watford City, superintendent, McKenzie County School District
- Eric Nelson, Williston, technology director, Creedence Energy Services
- Mark Vollmer, Minot, superintendent, Minot Public Schools

(NDCC §15.1-01-01(1)(c))

These names are presented to you for appointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education as a result of the expiration of the terms of Steven Holen, Watford City, ND, and Jeff Fastnacht, Mandan, ND. Both terms will expire on June 30, 2022.

Witness our hands, this 17th day of May 2022.

/s/Nick Archuleta

President, North Dakota United

/s/Karl Lembke

President, North Dakota School Boards Association

/s/Jennifer Fremstad

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by the action of the three signatories below, present the names of:

Elizabeth Crowston, Cavalier, Pembina County, North Dakota

Lyndsi Engstrom, Westhope, Bottineau County, North Dakota

Both of whom are eligible voters and reside in the counties of Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh (NDCC §15.1-01-01(1)(b)). Further, all are North Dakota School Boards Association members, as required (NDCC §15.1-01-01(3))for this position.

These names are presented to you for your consideration of appointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education due to the resignation of Ms. Maria Effertz Hanson. This term will expire on June 30, 2024.

Witness our hands this 20th day of December 2021.

/s/Nick Archuleta

Nick Archuleta

President, North Dakota United

/s/Karl Lembke

Karl Lembke

President, North Dakota School Boards Association

/s/Jennifer Fremstad

Jennifer Fremstad

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by action of the three signatories below, present the names of:

Marsha Lembke, Bismarck, ND

Jason Rohr, Jamestown, ND

Richard Diegel, Steele, ND

Donald Emch, Bismarck, ND

Kenneth Aune, Jamestown, ND

Burdell Johnson, Tuttle, ND

Andrew Jordan, Bismarck, ND

Nick Klemisch, Garrison, ND

all of whom are eligible voters and reside in the counties of Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, or Wells (NDCC §15.1-01-01 (1) (d)).

These names are presented to enable you to fill the vacancy on the State Board of Public School Education as a result of the expiration of the term of Dr. Brian Duchscherer, whose term expired on June 30, 2020

Witness our hands, this 1st day of July 2020.

/s/Nick Archuleta

President, North Dakota United

/s/ Holly Stromsodt

President, North Dakota School Boards Association

/s/Tonya Hunskor

President, North Dakota Council of Educational Leaders

TO HIS EXCELLENCY, GOVERNOR DOUG BURGUM

We, the persons designated by North Dakota Century Code §15.1-01-01 (3) to prepare a list of names to be presented to you, from which you, as Governor of the State of North Dakota, are to appoint a member of the State Board of Public School Education, do hereby certify that we, by action of the three signatories below, present the name of:

Sonia Meehl, Oakes, ND

who is an eligible voter, is a member of the North Dakota School Boards Association and resides in the counties of Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, or Sargent (NDCC §15.1-01-01(1)(c)).

This name is presented to you for reappointment to the State Board of Public School Education to fill the vacancy on the State Board of Public School Education as a result of the expiration of Ms. Meehl's previous term, which expired on June 30, 2020.

Witness our hands, this 1st day of July 2020.

/s/Nick Archuleta

President, North Dakota United

/s/ Holly Stromsodt

President, North Dakota School Boards Association

/s/Tonya Hunskor

President, North Dakota Council of Educational Leaders

Wetzel, Dale E.

From: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>
Sent: Monday, May 16, 2022 10:02 AM
To: Baesler, Kirsten K.; Neset, Maria O.; Karl Lembke; Archuleta, Nick; Draimee.copas1
Cc: Wetzel, Dale E.; Carmichael, Patty A.; Fishbeck, Donna K.; Hanson, JoDee; Beehler, Jace; Assel, Dustin J.; Fishbeck, Donna K.
Subject: RE: State Board of Public School Education applications

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

I will make some changes to my schedule and attend. Thanks for checking this.

Jenn Fremstad

Principal

West Fargo High School

801 9th St E | West Fargo, ND 58078

P: (701) 356-2050



From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Monday, May 16, 2022 10:01 AM
To: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>
Subject: RE: State Board of Public School Education applications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer,

The attorney general's office has reviewed the statute in full and only the three presidents listed can be part of the committee. No designees.

Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Baesler, Kirsten K.
Sent: Saturday, May 14, 2022 7:27 PM
To: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>
Subject: RE: State Board of Public School Education applications

Jennifer,
Thank you for letting me know about your conflict.
I will contact the assistant attorney general assigned to the State Board of Public School Education to determine if the ND Century Code allows a designee to serve on the committee instead of the President.



Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>
Sent: Saturday, May 14, 2022 7:06 PM
To: Baesler, Kirsten K. <kbaesler@nd.gov>; Neset, Maria O. <mneset@nd.gov>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>
Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: Re: State Board of Public School Education applications

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Due to another school obligation, I delegate my responsibility to Dr. Aimee Copas.

Jenn Fremstad
Principal

From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Monday, May 2, 2022 4:10:49 PM
To: Neset, Maria O. <mneset@nd.gov>; Fremstad, Jennifer <JFREMSTAD@west-fargo.k12.nd.us>; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>
Cc: Wetzels, Dale E. <dewetzels@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: RE: State Board of Public School Education applications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yup, I agree GO can't pre-determine. Thanks.
Some of the applicants are from Burleigh County and northeastern counties from the previous rounds, etc. We will sort them all into appropriate categories before sharing with the Committee members.



Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

From: Neset, Maria O. <mneset@nd.gov>
Sent: Monday, May 2, 2022 3:38 PM
To: Baesler, Kirsten K. <kbaesler@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>; Archuleta, Nick <nick.archuleta@ndunited.org>
Cc: Wetzels, Dale E. <dewetzels@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>
Subject: RE: State Board of Public School Education applications

Thank you Kirsten. I believe previously we had to send all as the Governor's Office could not pre-determine who qualified. Thanks 😊

Cheers,
Maria

Maria Neset
Policy Advisor

Wetzel, Dale E.

From: Wetzel, Dale E.
Sent: Monday, May 2, 2022 4:55 PM
To: Baesler, Kirsten K.; Neset, Maria O.; jfremstad@west-fargo.k12.nd.us; Karl Lembke; Archuleta, Nick
Cc: Carmichael, Patty A.; Fishbeck, Donna K.; Hanson, JoDee; Beehler, Jace; Assel, Dustin J.
Subject: RE: State Board of Public School Education applications

Here are the eligible applicants for the Board of Public School Education:

Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark group:
Jeff Fastnacht, Mandan
Lori Furaus, Mandan
Marcus Lewton, Dickinson
Mike McHugh, Mandan
Jennifer Steiner, Golden Valley

Burke, Divide, McKenzie, Mountrail, Ward, and Williams group:
Steve Holen, Watford City
Eric Nelson, Williston
Mark Vollmer, Minot

Ineligibles (they live in the wrong counties)
Elizabeth Crowston
Richard Diegel
Andrew Jordan
Jeanette Mausehund

Eric P. Nelson and Mark Vollmer also indicated interest in the Board of Higher Education, but did not fill out the SBHE application. SBHE applicants must provide specific information, including:

1. Have you worked in the past two years for an SBHE institution?
2. Have you lived in North Dakota continuously for the past five years?
3. Where did you earn your bachelor's degree?



Dale E. Wetzel
Public Information Specialist
State Capitol, 11th Floor
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Office: (701) 328-2247
Mobile: (701) 400-8557
www.nd.gov/dpi



Register here!

-----Original Message-----

From: Baesler, Kirsten K. <kbaesler@nd.gov>

Sent: Monday, May 2, 2022 3:31 PM

To: Neset, Maria O. <mneset@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>;

Archuleta, Nick <nick.archuleta@ndunited.org>

Cc: Wetzel, Dale E. <dewetzel@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Fishbeck, Donna K. <dfishbeck@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>

Subject: RE: State Board of Public School Education applications

Importance: High

NDCEL, NDSBA, and NDUnited Board Presidents, Please do not review these applications. Some applicants meet the county residence criteria; others do not meet the requirements. These applications appear to be ALL the applications in the system for this board and contain people who had applied for a previously vacant position.

As Executive Secretary of the Board of Public Schools, I will prepare a packet and send it with the meeting invite for this committee of NDCEL, NDSBA, and NDUnited Presidents.

Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi

-----Original Message-----

From: Neset, Maria O. <mneset@nd.gov>

Sent: Monday, May 2, 2022 3:19 PM

To: Baesler, Kirsten K. <kbaesler@nd.gov>; jfremstad@west-fargo.k12.nd.us; Karl Lembke <lembkekarl@gmail.com>;

Archuleta, Nick <nick.archuleta@ndunited.org>

Cc: Hanson, JoDee <jodeehanson@nd.gov>; Beehler, Jace <jabeehler@nd.gov>; Assel, Dustin J. <djassel@nd.gov>;

Carmichael, Patty A. <pcarmichael@nd.gov>

Subject: State Board of Public School Education applications

Please see attachments.

Wetzel, Dale E.

From: Baesler, Kirsten K.
Sent: Wednesday, April 6, 2022 10:53 AM
To: Carmichael, Patty A.
Subject: FW: State Board of Public Education

Importance: High



Patty Carmichael

Executive Assistant to State Superintendent Baesler
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-3264
www.nd.gov/dpi



From: Nese, Maria O. <mneset@nd.gov>
Sent: Wednesday, April 6, 2022 8:52 AM
To: Archuleta, Nick <nick.archuleta@ndunited.org>; jeff.fastnacht <jeff.fastnacht@msd1.org>; Karl Lembke <lembkekarl@gmail.com>
Cc: Chad Oban <Chad.Oban@ndunited.org>; Draimee.copas1 <Draimee.copas1@ndcel.org>; Alexis Baxley <alexis.baxley@ndsba.org>; Beehler, Jace <jabeehler@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>
Subject: State Board of Public Education
Importance: High

Good morning!

Just wanted to share our gratitude for your commitment to fulfilling the statutory duty of providing nominations to the Governor's for his consideration in regards to the State Board of Public Education. There are two positions that will require nominations and Governor Burgum would like to have a minimum of 3 applicants and a desired 5 applicants per board position for his consideration. I wanted to ensure this was shared with all of you for awareness. Feel free to let me know if you have any questions. Thank you!

Cheers,
Maria

Maria Nese
Policy Advisor

701.328.2289 • mneset@nd.gov • www.governor.nd.gov

Wetzel, Dale E.

From: Wetzel, Dale E.
Sent: Friday, December 17, 2021 12:16 PM
To: Baesler, Kirsten K.
Subject: RE: Applicants for State Board of Public School Education

Part of the top of the memo message was cut off in your email
Also, NDCEL lists Fastnacht as president, although that could be wrong
Cheers



Dale E. Wetzel
Public Information Specialist
State Capitol, 11th Floor
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Office: (701) 328-2247
Mobile: (701) 400-8557
www.nd.gov/dpi



From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Friday, December 17, 2021 12:04 PM
To: Archuleta, Nick <nick.archuleta@ndunited.org>; Karl Lembke <lembkekarl@gmail.com>; Jennifer Fremstad <jfremstad@west-fargo.k12.nd.us>
Subject: Applicants for State Board of Public School Education
Importance: High

Dec. 17, 2021

TO: Nick Archuleta, President, North Dakota United
Karl Lembke, President, North Dakota School Boards Association
Jennifer Fremstad, President, North Dakota Council of Educational Leaders

FROM: Kirsten Baesler, State Superintendent of Public Instruction

RE: Appointment to state Board of Public School Education Association Presidents,

13 applications submitted to the Governor's office for possible appointments. The application deadline passed on Wednesday, Dec. 15.

As you are aware, the presidents of North Dakota United, the Council of Educational Leaders, and the School Boards Association are responsible for suggesting potential appointees to the governor. The law ([NDCC 15.1-01-01](#)) does not specify a minimum or maximum number of suggested appointees.

Part of your responsibility is to determine which of these applicants are eligible for the position. The person who is chosen for this particular open position must be a member of the North Dakota School Boards Association and a resident of one

of these counties: Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and Walsh.

The person who is chosen will finish the term of Maria Effertz Hanson. It ends June 30, 2024.

Applicants who indicated specific interest in the state Board of Public School Education are:

Jeanette Mausehund applied 5/19/2021

Andrew Jordan applied 5/19/2021

Richard Diegel applied 5/19/2021

Elizabeth Crowston applied 12/8/2021

Lyndsi Engstrom applied 12/5/20

Applicants during November and December 2021 who said they were interested in any board appointment:

Kent Kirkhammer 12/14/2021

Bryce Stein 12/14/2021

Jesse Mattern 12/13/2021

Jamison Marchand 12/8/2021

Joshua Janssen 11/29/2021

Kevin Dauphinais 11/17/2021

Linda Schwols 11/13/2021

Zachary Jacobson 11/2/2021

I look forward to meeting with you on Monday, December 20 at 4 pm in NDDPI's 11th floor conference room to determine the list of suggested appointees for Governor Burgum.

Thank you for your time, and Merry Christmas.

#

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist

Office 701-328-2247

Cell: 701-400-8557

Email: dewetzel@nd.gov

McHugh, Nelson Named to State Education Board

BISMARCK, N.D., June 23, 2022 – State School Superintendent Kirsten Baesler on Thursday announced that Mike McHugh and Eric Nelson will be joining the North Dakota Board of Public School Education, which provides guidance and oversight for the state’s K-12 system.

McHugh, of Mandan, is the aviation education coordinator for the state Aeronautics Commission, a certified career and technical education teacher, and a former aviation instructor in the Bismarck public schools. Nelson is a Williston resident and a senior technical adviser for Creedence Energy Services, which provides chemical treatment services for the oil industry.

The Board of Public School Education has seven members – the state superintendent of public instruction, who is the board’s executive secretary, and six members who are appointed by the governor to represent groups of counties. The governor’s appointees will serve six-year terms, which start July 1.

Gov. Doug Burgum named McHugh and Nelson as his choices on Thursday. Nelson will represent Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties on the board, while McHugh will represent Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.

Board of Public School Education appointees also are members of the state Board of Career and Technical Education, which oversees North Dakota’s state CTE department. They also are in charge of the North Dakota K-12 Education Coordination Council, which reviews state education programs and encourages collaboration among agencies and interest groups.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

ND State Education Board Seeking Applicants

BISMARCK, N.D., March 23, 2022 – State School Superintendent Kirsten Baesler on Wednesday invited North Dakotans from two groups of counties to apply for the Board of Public School Education, which plays a crucial oversight role in the North Dakota's education system.

The seven-member board oversees the development of a state learning continuum, which identifies essential skills that students should learn at specific points during their K-12 education. It has charge of the North Dakota K-12 Education Coordination Council, which reviews the effectiveness of state education programs and encourages collaboration among agencies and interest groups.

Board of Public School Education members also are part of the state Board of Career and Technical Education, which oversees North Dakota's state CTE department and its programs. Last year, the Legislature endorsed a large expansion of the state's career and technical education system, approving \$88.3 million in grants to develop, equip and maintain area career training centers.

Six members of the Board of Public School Education each represent groups of counties that are specified in state law. The governor appoints them to six-year terms. The state school superintendent is the board's seventh member and its executive secretary.

The members whose terms are ending represent:

- Burke, Divide, McKenzie, Mountrail, Ward, and Williams counties; and
- Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.

North Dakotans who live in one of the two groups of counties are encouraged to apply through the governor's website.

Under state law, the governor appoints new board members from a list of names submitted by a committee of three people: the presidents of North Dakota United, the state Council of Educational Leaders, and the North Dakota School Boards Association. The application deadline is 5 p.m. on Friday, April 29.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2

Board of Public School Education

In addition to its other duties, the Board of Public School Education decides school district requests to dissolve, reorganize, or transfer property. Recently, the board reviewed and approved a plan to combine the Williston city school district and a neighboring Williams County district into a single entity, Williston Basin School District No. 7. The union took effect July 1, 2021.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Westhope School Board Member Chosen For State Education Board

BISMARCK, N.D., Jan. 20, 2022 -- State School Superintendent Kirsten Baesler announced Thursday that Lyndsi Engstrom, a member of Westhope's school board, has been appointed to the North Dakota Board of Public School Education.

Engstrom succeeds Maria Effertz Hanson, of Velva, who resigned last month. Gov. Doug Burgum appointed Engstrom to complete Effertz Hanson's six-year term, which ends June 30, 2024. Engstrom will represent Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties.

Engstrom is director of research, design, and value at the Central Regional Education Association, which is one of seven regional service agencies that provide professional development and support to North Dakota schools. The CREA serves more than three dozen school districts, including Bismarck, Mandan, and Minot. Engstrom has served on the Westhope school board since 2017.

The Board of Public School Education supervises the development of a state learning continuum, which identifies critical skills for students to develop during their K-12 education. The board decides requests from school districts to dissolve, reorganize, or transfer property. It has charge of the North Dakota K-12 Education Coordination Council, which reviews the effectiveness of the state's education programs.

Members of the board also are automatically part of the state Board of Career and Technical Education, which oversees North Dakota's state CTE department and programs.

The Board of Public School Education has seven members. Six are appointed by the governor and represent groups of counties, which are specified in state law. The seventh is Baesler, who is the board's executive secretary. The state Department of Public Instruction provides administrative support to the board.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Dec. 17, 2021

TO: Nick Archuleta, President, North Dakota United
Karl Lembke, President, North Dakota School Boards Association
Jeff Fastnacht, President, North Dakota Council of Educational Leaders

FROM: Kirsten Baesler, State Superintendent of Public Instruction

RE: Appointment to state Board of Public School Education

Gentlemen,

I am sending along 13 applications for the opening on the Board of Public School Education. The application deadline passed on Wednesday, Dec. 15.

As you are aware, the presidents of North Dakota United, the Council of Educational Leaders, and the School Boards Association are responsible for suggesting potential appointees to the governor. The law (NDCC 15.1-01-01) does not specify a minimum or maximum number of potential appointees.

Part of your responsibility is to determine which of these applicants are eligible for the position. The person who is chosen must be a member of the North Dakota School Boards Association and a resident of one of these counties: Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and Walsh.

The governor's website encourages North Dakotans to apply if they are interested in an appointment to any state board. We do not know if all of the applicants are eligible for, or interested in, this specific position.

The person who is chosen will finish the term of Maria Effertz Hanson. It ends June 30, 2024.

Applicants who indicated specific interest in the state Board of Public School Education are:

Jeanette Mausehund applied 5/19/2021
Andrew Jordan applied 5/19/2021
Richard Diegel applied 5/19/2021
Elizabeth Crowston applied 12/8/2021
Lyndsi Engstrom applied 12/5/2021

(Continued)

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2

Board of Public School Education Applicants

Applicants during November and December 2021 who said they were interested in any board appointment:

Kent Kirkhammer 12/14/2021
Bryce Stein 12/14/2021
Jesse Mattern 12/13/2021
Jamison Marchand 12/8/2021
Joshua Janssen 11/29/2021
Kevin Dauphinais 11/17/2021
Linda Schwols 11/13/2021
Zachary Jacobson 11/2/2021

As Ms. Effertz Hanson has left the board, it would be best to accomplish the task of getting a list of suggested appointees to the governor as soon as possible.

Thank you for your time, and Merry Christmas.

###

Kirsten Baesler
State Superintendent
Dr. Donna Fishbeck
Chief of Staff
Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Baesler Announces Opportunity to Join Influential Education Board

BISMARCK, N.D., Nov. 23, 2021 – State School Superintendent Kirsten Baesler is encouraging residents of North Dakota’s northern tier of counties to consider applying for the State Board of Public School Education, which plays an important role in the state’s educational system.

The board’s membership includes Baesler, who serves as its executive secretary, and six members who represent groups of counties that are specified in state law (NDCC 15.1-01-01(1)). All six members are appointed by the governor for six-year terms.

Incumbent board member Maria Effertz Hanson plans to resign. A resident of McHenry County, Effertz Hanson represents Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties on the board.

Effertz Hanson’s successor must be a school board member and a resident of one of the 11 specified counties. The person will be chosen to complete Effertz Hanson’s term, which ends June 30, 2024. State law says two of the six appointed board members must be a member of the North Dakota School Boards Association, and Effertz Hanson is one of the two NDSBA members now serving on the board.

Eligible North Dakotans who are interested in succeeding Hanson on the board should apply online through the governor’s office. State law says the governor shall appoint new board members from a list of names submitted by a committee consisting of the president of North Dakota United, the president of the North Dakota Council of Educational Leaders, and the president of the North Dakota School Boards Association. The application deadline is Dec. 15.

The Board of Public School Education acts on requests from school districts to dissolve, reorganize, or transfer property. It supervises the development of a state learning continuum, which identifies skills that are crucial for the well-rounded education of a high school graduate. It has charge of the state K-12 Education Coordination Council, which reviews the effectiveness of North Dakota’s education programs.

Most recently, the board reviewed and approved a historic combination of the Williston city school district and a neighboring Williams County district into a single entity, called Williston Basin School District No. 7. The reorganization took effect July 1, 2021.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent

Dr. Donna Fishbeck
Chief of Staff

Laurie Matzke
Assistant Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
<http://www.nd.gov/dpi>

Page 2

Board of Public School Education

The Board of Public School Education's members automatically become part of the state Board of Career and Technical Education, which oversees North Dakota's CTE department and CTE programs.

The CTE board will have major new projects to consider soon. During its special session this month, the Legislature approved \$88.3 million in grants to develop, equip, and maintain area career centers. Individual grants may total up to \$10 million.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Johnson, Meehl Appointed To ND Board of Public School Education

BISMARCK, N.D., July 31, 2020 – North Dakota State School Superintendent Kirsten Baesler on Friday announced that Burdell Johnson, of Tuttle, and Sonia Meehl, of Oakes, have been appointed to the state Board of Public School Education.

Members of the seven-member board decide requests from school districts to reorganize, dissolve, and transfer property. They are automatically members of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

Meehl will be serving her second six-year term on the board. An Oakes farmer and former business owner, Meehl represents Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent counties on the board.

Johnson, a farmer, rancher and businessman from Tuttle in Kidder County, will be serving his first six-year term. He will represent Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman and Wells counties.

Gov. Doug Burgum appoints the six citizen members of the Board of Public School Education. Baesler is the seventh board member and serves as its executive secretary. The board's other six members represent groups of counties, which are listed in state law (NDCC 15.1-01-01(1)).

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Candidates Named For State Education Board

BISMARCK, N.D., July 1, 2020 – State Superintendent Kirsten Baesler said Wednesday that a selection committee has forwarded recommendations to Gov. Doug Burgum for appointments to the state Board of Public School Education.

The seven-member board acts on requests from school districts to dissolve, reorganize, or transfer property. Members automatically become part of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

The governor appoints board members to six-year terms. State law requires the presidents of North Dakota United, the North Dakota School Boards Association and the North Dakota Council of Educational Leaders to submit lists of names for openings.

On Wednesday, the presidents agreed to forward the names of eight candidates to the governor to represent Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman and Wells counties. The governor will choose a person from among those candidates to represent that group of counties. The candidates are:

Kenneth Aune, Jamestown, band director at Jamestown Middle School;
Rick Diegel, Steele, the superintendent of Kidder County public schools;
Donald Emch, Bismarck, a retired schoolteacher and administrator;
Burdell Johnson, Tuttle, a farmer/rancher and business owner;
Andrew Jordan, Bismarck, the superintendent of Wilton public schools;
Nick Klemisch, Garrison, the superintendent of Garrison public schools;
Marsha Lembke, Bismarck, a retired former administrator for the North Dakota Department of Transportation; and
Jason Rohr, Jamestown, a senior crop insurance specialist for AgCountry Farm Credit Services.

One candidate, incumbent board member **Sonia Meehl**, of Oakes, applied for a second term. Her name was forwarded to the governor to represent Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent counties.

Baesler is a member of the Board of Public School Education and serves as its executive secretary. Its remaining six members represent groups of counties, which are listed in state law ([NDCC 15.1-01-01\(1\)](#)).

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

For Immediate Release

Contact: Dale Wetzel, Public Information Specialist
Office 701-328-2247
Cell: 701-400-8557
Email: dewetzel@nd.gov

Baesler Announces Opportunity for Public Service in Education

BISMARCK, N.D., June 3, 2020 – State School Superintendent Kirsten Baesler on Wednesday invited applications for two openings on the Board of Public School Education. The board facilitates cooperation among the state's various K-12 education organizations, and oversees North Dakota career and technical education programs.

Baesler is executive secretary of the board and is responsible for its administration. The board has seven members, including Baesler and six members that represent groups of counties. The groups are listed in state law (NDCC 15.1-01-01(1)).

Applicants are being sought to represent two groups of counties. The person must be an eligible voter and live in one of the counties in the group. The groups are:

1. Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman or Wells counties (NDCC 15.1-01-01(1)(d)); and
2. Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, or Sargent counties (NDCC 15.1-01-01(1)(c)).

The application deadline for the two openings is 5 p.m. Tuesday, June 30. The one-page application form is posted on the Department of Public Instruction's website here:

<https://www.nd.gov/dpi/sites/www/files/documents/SFN%20Forms/SFN%2061841.pdf>

Applications should be sent to dpi@nd.gov at the North Dakota Department of Public Instruction. Applications may also be mailed to the Department of Public Instruction, 600 E. Boulevard Ave., Dept. 201, Bismarck, N.D., 58505.

"This is an opportunity for a North Dakotan who is interested in K-12 education to do important public service work that will benefit education," Baesler said.

Members of the Board of Public School Education are appointed by the governor and serve six-year terms. They meet on the third Monday of each month, except when the board has no pending business. Members are paid \$62.50 per day, plus expenses, for meetings and for performing duties as directed by the board.

(Continued)

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
Phone (701) 328-2260
Fax (701) 328-2461
www.nd.gov/dpi

Page 2
Board of Public School Education

The board oversees North Dakota's seven regional education associations, which provide professional development and learning opportunities for teachers, and the operations of the K-12 Education Coordination Council, which reviews North Dakota education services and programs and identifies opportunities for efficiency and collaboration.

Board members automatically become part of the Board of Career and Technical Education, which oversees North Dakota's state CTE department and CTE programs.

The Board of Public School Education also acts on requests from school districts to dissolve, reorganize, or transfer property between each other. In addition, its members participate in an education goals and objectives meeting each year with the Board of Higher Education, the Education Standards and Practices Board, and the state Board for Career and Technical Education.

###

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701)795-2700



Legislative Directed Loan Programs
School Construction



BND Balance Sheet

vs

Legislative Directed Programs

Balance Sheet

\$ in thousands

12/31/2022

Cash and due from banks	<u>405,718</u>
Federal funds sold	<u>44,605</u>
Securities	<u>4,344,352</u>
Loans	
Commercial	3,199,277
Farm	709,866
Residential	351,076
Student	<u>1,104,408</u>
	5,364,627
Less allowance for loan loss	<u>(108,752)</u>
	<u>5,255,875</u>
Other assets	<u>145,265</u>
Total assets	<u>10,195,815</u>
Deposits -	
Non-interest bearing	632,498
Interest bearing	7,679,449
Federal funds purchased and repurchase agreements	205,845
Borrowings -	
Short-term	675,000
Other liabilities	<u>5,835</u>
Total liabilities	<u>9,198,627</u>
Equity	<u>997,188</u>
Total liabilities and equity	<u>10,195,815</u>

Loans "On Balance Sheet" in which BND participates with a Lead FI and takes the Risk / Reward that contributes to the earnings at the end of the year.

The funding for these loans is backed by the "Capital" of BND.

Why "Off Balance Sheet"

- Established by the Legislature
- Long-term fixed interest rate at 2%.
- Provides for up to 30 / 40 Year Terms

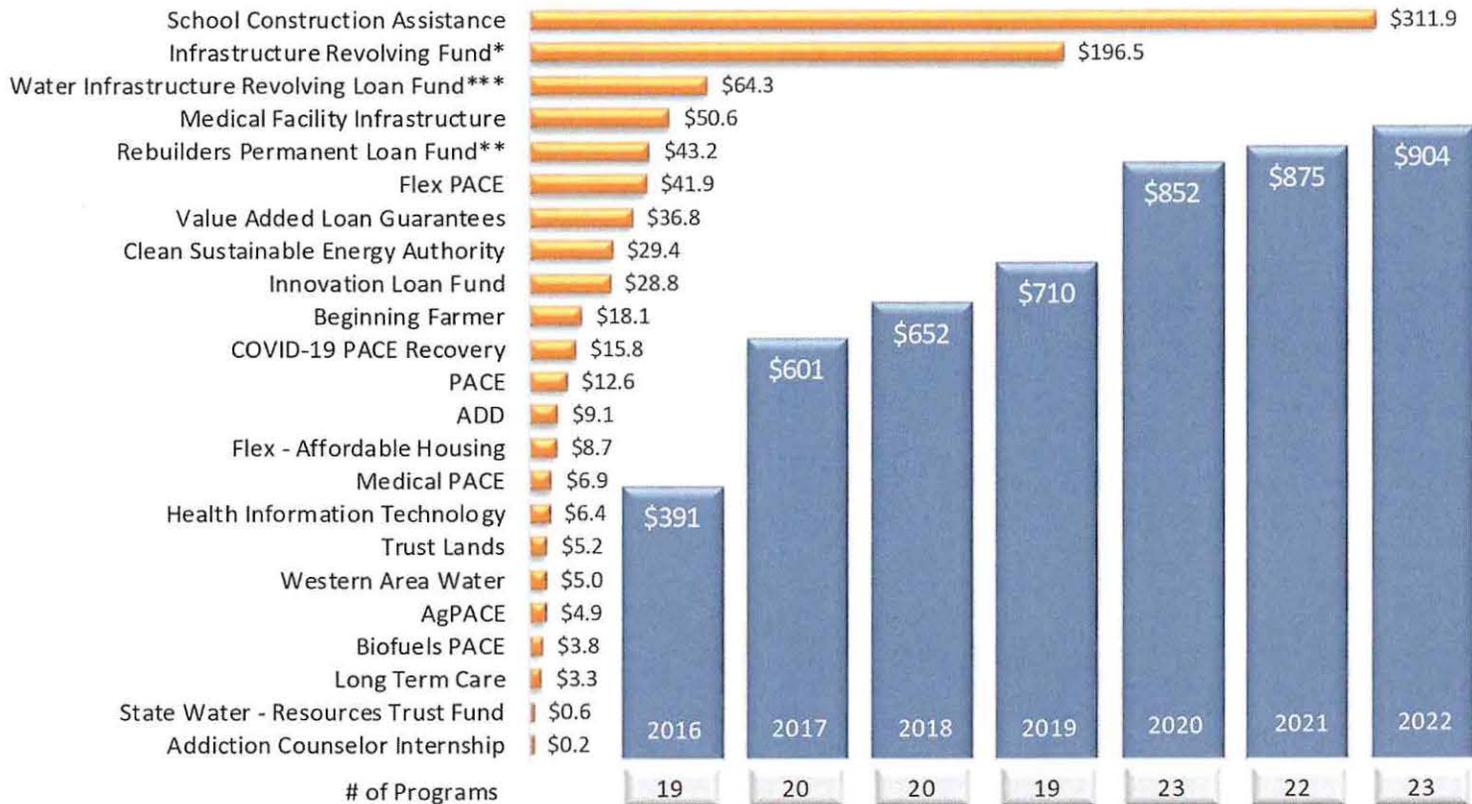
Procedurally:

- BND underwrites and administers loans
- Principal and interest returned to the funds
- BND receives a .50bp service fee
- Audits of the Funds

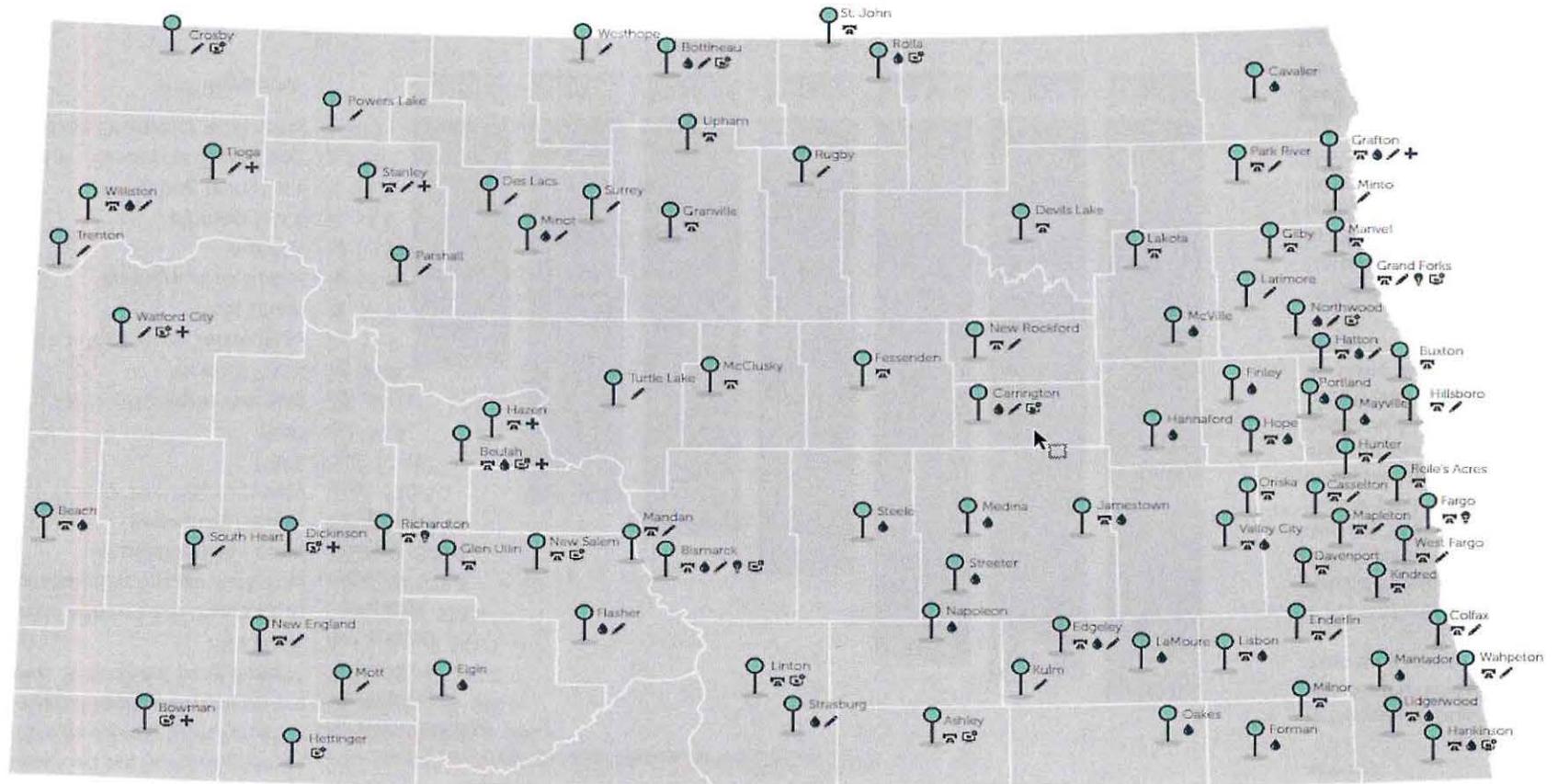


Legislatively Directed Loan Programs

BND administers 23 programs and \$904 million in assets for the Legislature



- BND currently administers programs that serve a wide range of purposes, including school construction, water projects, general and medical infrastructure, and disaster recovery.
- *Infrastructure Revolving Fund includes \$52 million to be transferred from BND's capital.
- ** HB 1187 created The Rebuilders Permanent Loan Fund (RPLF) during the 67th Legislative Session. This permanent revolving loan fund was established by transferring \$50 million in loans and cash from the Small Employer Loan Fund (SELF) created by BND during the Covid 19 pandemic to the RPLF.
- ***The Water Infrastructure Revolving Loan Fund was created by HB 1431. The Fund combined previously reported Community Water and State Water – Revolving Loan Fund.



-  Infrastructure Revolving Loan Fund
-  Water Infrastructure Revolving Loan Fund
-  School Construction Assistance Revolving Loan Fund

-  Innovation Loan Fund
-  Health Information Technology Fund
-  Medical Infrastructure Loan Fund



Timeline of School Construction Revolving Loan Fund

2015 Legislative Session

- Legislature made a decision to offer a low interest revolving loan fund for schools
- Put legislation in place to enable BND to offer the demonstration program utilizing a buydown approach (5% down to 2%)
- In the 2015-2017 Biennium, BND made \$123,000,000 in loans to school districts.

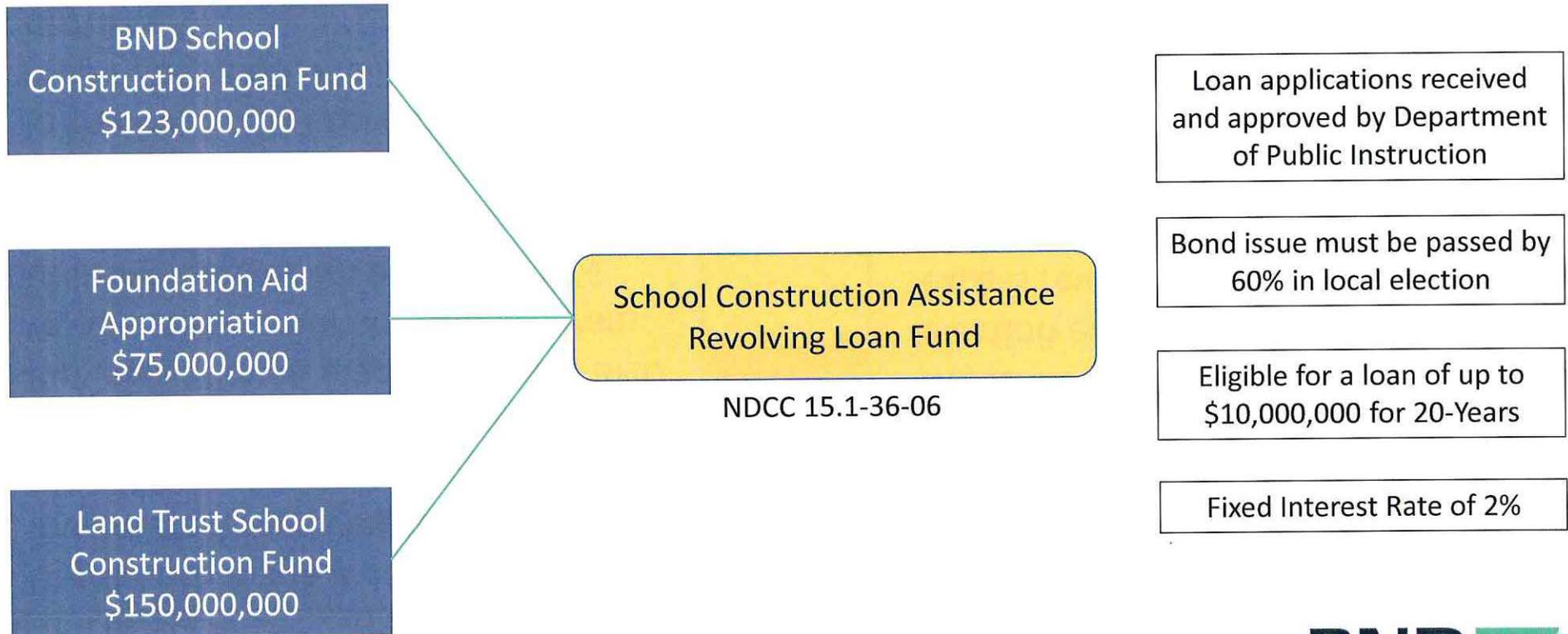


2016 Ballot Measure

- Legislature Passed SCR4003 to place a measure on the ballot
- Measure 2 passed in the 2016 general election enabling legislature to access excess revenues in the Foundation Aid Stabilization Fund for education purposes.

Timeline of School Construction Revolving Loan Fund

2017 Became the "Merge" Session



Current Status of SCARLF—January 2023

Cash Balance		38,498,289.00
Repayments through 6/30/2023		15,393,970.00
Available Funds		53,892,259.00
In Construction Commitments		8,716,425.00
Approved Commitments		30,000,000.00
Pending Applications		10,000,000.00
Current Available		5,175,834.00
2023 - 2025 Repayments		45,000,000.00
Available for New Loans 2023-2025		50,175,834.00

Total Loans Outstanding: \$311,000,000

Policy Proposal in SB2284

SECTION 9. AMENDMENT. Subsection 5 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

1 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
2 shall issue a loan from the school construction assistance revolving loan fund. For a
3 loan made under this section:

4 a. ~~If the school construction project totals less than seventy-five million dollars,~~
5 the maximum loan amount for which a school district may qualify is ten million
6 dollars. However, if a school district's unobligated general fund balance on the
7 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
8 loan amount under this section may not exceed eighty percent of the project's
9 cost up to a maximum loan amount of eight million dollars;

10 b. ~~If the school construction project totals seventy-five million dollars or more, the~~
11 maximum loan amount for which a school district may qualify is fifty million
12 dollars. However, if a school district's unobligated general fund balance on the
13 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
14 loan amount under this section may not exceed eighty percent of the project's
15 cost up to a maximum loan amount of forty million dollars;

16 c. The term of the loan is twenty years, unless the board of the school district
17 requests a shorter term in the written loan application; and

18 e.d. The interest rate of the loan may not exceed two percent per year.

School Construction Project Under
\$75m remains at \$10m loan limit

School Construction Project Over
\$75m increases loan limit to \$50m



Policy Proposal in SB2284

19 **SECTION 10. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
20 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
21 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
22 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
23 and ending June 30, 2025.

MAPLETON PUBLIC SCHOOL DIST	MAPLETON	ND	2/22/2017	\$3,891,976.85
MOTT REGENT SCHOOL DIST #1	MOTT	ND	3/1/2017	\$4,401,420.77
EDGELEY PUBLIC SCHOOL DIST #3	EDGELEY	ND	5/3/2017	\$2,180,326.76
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	6/30/2017	\$6,501,048.44
HATTON EIELSON DISTRICT 7	HATTON	ND	8/1/2018	\$5,128,962.75
STANLEY PUBLIC SCHOOL DIST #2	STANLEY	ND	6/25/2015	\$3,492,478.53
MANDAN PUBLIC SCHOOL DIST	MANDAN	ND	8/1/2013	\$6,458,616.18
NORTHERN CASS PUB SCHOOL #97	HUNTER	ND	8/1/2013	\$1,035,899.79
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	6/1/2020	\$9,165,268.46
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	8/1/2013	\$10,385,149.52
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	4/1/2014	\$5,704,772.42
RICHLAND PUBLIC SCHOOL DIS #44	COLFAX	ND	8/1/2013	\$2,465,133.61
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	8/15/2013	\$641,792.92
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	7/1/2019	\$4,941,537.73
SURREY PUBLIC SCHOOL DIST #41	SURREY	ND	8/15/2013	\$555,880.48
TURTLE LAKE-MERCER DIST #72	TURTLE LAKE	ND	11/1/2013	\$1,084,803.99

GRAND FORKS PUB SCHOOL DIST #1	GRAND FORKS	ND	12/2/2013	\$8,950,211.40
WAHPETON PUBLIC SCHOOL DIST#37	WAHPETON	ND	1/22/2014	\$11,483,755.52
GRAFTON PUBLIC SCHOOL DIST #18	GRAFTON	ND	4/1/2014	\$8,419,965.62
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	6/30/2014	\$9,831,385.53
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	9/19/2018	\$8,213,861.28
POWERS LAKE PUB SCHOOL DIST#27	POWERS LAKE	ND	7/1/2014	\$1,254,165.56
MINOT PUBLIC SCHOOL DIST #1	MINOT	ND	11/13/2014	\$12,796,281.06
SOUTH PRAIRIE SCHOOL DIST 70	MINOT	ND	11/14/2014	\$5,577,147.22
TIOGA PUBLIC SCHOOL DIST #15	TIOGA	ND	12/1/2014	\$4,379,255.42
WESTHOPE PUB SCHOOL DIST #17	WESTHOPE	ND	12/1/2014	\$1,963,922.74
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	1/28/2015	\$4,570,287.48
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	3/1/2020	\$9,064,775.54
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	12/1/2017	\$7,717,816.35
UNITED PUBLIC SCHOOL DISTRICT	DES LACS	ND	5/15/2018	\$7,998,255.26
EIGHT MILE PUBLIC SCHOOL DIST6	TRENTON	ND	6/1/2018	\$7,305,001.71
NEW ROCKFORD SHEYENNE SCHOOL 2	NEW ROCKFORD	ND	6/1/2018	\$2,646,125.35



PARSHALL SCHOOL DISTRICT	PARSHALL	ND	8/9/2018	\$4,614,652.01
BOTTINEAU PUBLIC SCHOOL DIST	BOTTINEAU	ND	8/1/2019	\$6,524,286.48
NORTHWOOD SCHOOL DISTRICT #129	NORTHWOOD	ND	8/1/2019	\$5,042,208.14
ENDERLIN AREA PSD #24	ENDERLIN	ND	6/18/2020	\$1,267,858.10
RUGBY PUBLIC SCHOOL DIST. NO 5	RUGBY	ND	7/1/2022	\$1,824,253.96
LARIMORE PSD NO 44	LARIMORE	ND	7/1/2022	\$435,672.72



TURTLE MOUNTAIN COMMUNITY SCHOOL BELCOURT SCHOOL DISTRICT NO. 7

PO Box 440

Belcourt, ND 58316-440

Phone: (701) 477-6471

Fax: (701) 477-6470

We Are An Equal Opportunity Employer

March 13, 2023

House Education Committee
600 East Boulevard Avenue
Bismarck ND, 58505-0001

Subject: Testimony on North Dakota Education Funding Formula – SB2284 on Transition Maximum

Greetings House Education Committee Members,

My name is Duane Poitra. I am the Business Manager for the Belcourt School District. I am an enrolled member the Turtle Mountain Band of Chippewa. I wish to provide testimony today in relation to **SUPPORT** of SB2284 as it relates to the North Dakota Education funding formula, specifically on the "Transition Maximum" language elimination in the bill's draft language. Transition Maximum pertains to School Districts still transitioning on to actual formula since 2013; these Districts hence receive less funding than formula calculation.

Transition Maximum was established in the North Dakota Education funding formula back in the 2013 biennium as a funding formula mechanism to allow school districts that were "under formula", based on actual formula calculation, to "get on formula" at a reasonable pace; which was anticipated then to be no more than 6 - 8 years.

A baseline per pupil amount was determined in the 2013 biennium for each District affected by Transition Maximum that would be multiplied by a per pupil waiting factor of 110% to which the resulting weighted baseline per pupil amount would be multiplied by the weighted average daily membership (ADM) of the District to determine a maximum District payment amount. The baseline per pupil amount changed in 2019-20.

If a district had a baseline per pupil payment rate less than the established per pupil payment rate for 2013-14, the district received a transition maximum adjustment to their formula calculation to prevent significant swings in district budgets due to a funding formula change.

The education funding formula would also determine a "normal" formula payment for Districts. The difference between the "normal" formula payment calculation and the maximum payment calculation is called the Transition Maximum Adjustment, which in the calculation is a deduction from the "normal" formula payment.

In the 2013 biennium, there were 41 Districts that were affected by Transition Maximum. The goal of a Transition Maximum Districts is to get on "normal" formula. As of the 2022-23 school year, there are 11 Transition Maximum Districts, of which 10 of the School Districts primarily serve a Native American population.

Please consider all other North Dakota school districts are either on formula or exceed the formula (transition minimum Districts). The total annual North Dakota education funding is approximately \$1 billion dollars per year. The funding needed to get these 11 school districts on formula is about \$14.8 million dollars over biennium.

I previously provided testimony during the 2021 ND Legislative Session suggesting transition maximum schools be placed on actual formula as soon as possible. I again offer testimony that the transition maximum schools get on the funding formula in the manner specified in HB2184, considering intent of the 2013 ND Legislative Session.

The 2013 Legislative Session provided a new education funding formula which essentially lowered property tax contributions used towards education in North Dakota by increasing North Dakota's contribution towards education.

However, property poor school districts with average per student imputed taxable valuations more than 80% below the State average required funding formula modification in the 2013 draft bill to realize benefit. SB2184 provides an expeditious solution for the property poor districts, currently affected by transition maximum, to finally move to normal formula payment as originally intended in 2013.

The 11 Transition Maximum Districts are:

Belcourt 7	Dunseith 1	St. John 3	Warwick 29	Ft. Totten 30	Minnewaukan 5
Manvel 125	Solen 3	Mandaree 36	Twin Buttes 37	White Shield 85	

Therefore, I support SB2184 as this bill provides a means to get ALL the school districts affected by transition maximum on normal North Dakota Education funding formula as intended back in 2013.

I thank you for your time and consideration on this important matter.

Chi Miigwech!



Duane Poitra,
Business Manager
Belcourt School District #7

History of ND State Board of Public School Education Membership

Summary:

The ND school administrators' association has suggested members for the Board of Public School Education since it was founded in 1955 (suggestions that, for most of that time, the governor was free to ignore). The law has NEVER required school administrator membership on the board. It HAS required that two ND school board members be members of the Board of Public School Education.

When the board was founded, its governor appointees were drawn from judicial districts. Since 1979, they have been drawn from six groups of counties. These groups have not been changed since then.

Board of Public School Education Established 1955 (S.L. 1955, Chp.132)

Members: Governor (Chairman), attorney general, superintendent of public instruction. Additional two members chosen by the North Dakota Education Association and the North Dakota School Officers' Association, currently known as the School Business Managers' Association (one each) at their annual conventions. The teacher and administrator positions are chosen for two-year terms.

Appointed board members paid \$10 for each day they worked as a board member.

1963 (S.L. 1963, Chp. 43)

Members: Superintendent of public instruction and "one qualified elector from each judicial district within the state," who are appointed by the governor and confirmed by the North Dakota Senate.

Governor to nominate members from lists of three candidates *for each position*, with each list proposed by the president of the North Dakota state's attorneys association, the president of the North Dakota school administrators association, and the president of the North Dakota school boards association.

All governor appointees are chosen for six-year terms in such a fashion so that two members' terms expire on June 30 of every even-numbered year.

Two board members required "at all times" to be members of the school boards' association.

Superintendent of public instruction required to serve as executive director and secretary of the board.

Board elects its own chairman annually.

Appointed board members' pay increased to \$15 a day.

1971 (S.L. 1971, Chp. 172)

Appointed board members' pay increased to \$30 a day.

1979 (S.L. 1979, Chp. 225)

Board members appointed from groups of counties, rather than from judicial districts. North Dakota has 53 counties. The groups of counties are the same today (NDCC 15.1-01-01). The law says the district representatives must be "from" the district.

District 1 (7): Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, Traill.

District 2 (11): Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh.

District 3 (8): Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, Sargent.

District 4 (8): Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, Wells.

District 5 (6): Burke, Divide, McKenzie, Mountrail, Ward, Williams.

District 6 (13): Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark.

1981 (S.L. 1981, Chp. 182)

Appointed board members' pay increased to \$50 a day.

1991 (S.L. 1991, Chp. 168)

The president of the North Dakota Education Association replaces the president of the North Dakota State's Attorneys Association as a person who suggests three candidates for the governor to choose from for every open spot on the Board of Public School Education. The North Dakota School Boards Association and the North Dakota School Administrators Association remain as the other two organizations that suggest appointees.

The requirement that Board of Public School Education members be confirmed by the ND state Senate is dropped.

1999 (S.L. 1999, Chp. 196)

Specifies that the appointed board members must be eligible to vote in North Dakota, and that they "must reside in one of the counties they represent." Previously, the residency requirement was implied but not explicit.

Law now says the governor must appoint new board members "from a list of three names submitted by a committee consisting of the president of the North Dakota Education Association, the president of the North Dakota Council of Educational Leaders, and the president of the North Dakota School Boards Association."

The new law incorporates the NDCEL name. It previously said the committee had to submit "three names for each position to be filled." So, if there were two vacancies, six names needed to be submitted. Now, two vacancies can be filled from a list of three names.

Appointed board members' pay increased to \$62.50 a day.

2013 (S.L. 2013, Chp. 151)

Removes the requirement that the nominating committee submit "three names" for the governor to choose from for vacancies on the board. It now says, "the governor shall appoint new board members from a list of names." The nominating committee is the same, as is the requirement that at least two board members be members of the North Dakota School Boards Association.

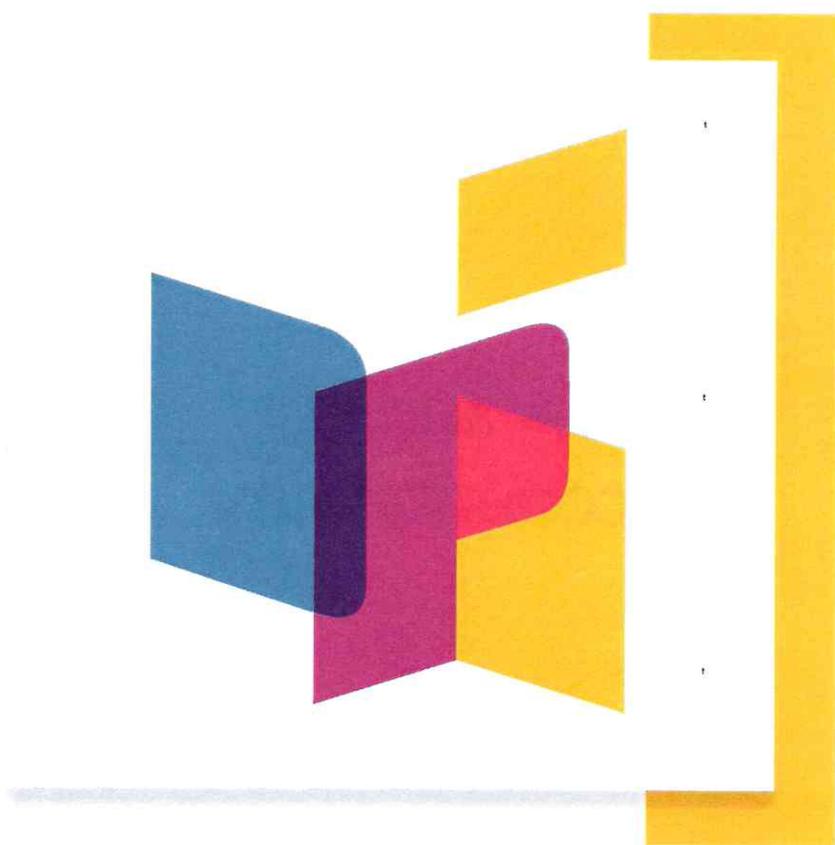
Updated March 13, 2023

September 9, 2022



TSI/CSI Overview

Amanda Peterson
Director, Educational Improvement and Support





ESSA and Accountability

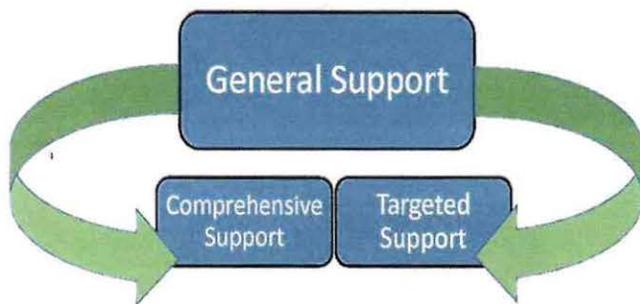
- The [Every Student Succeeds Act \(ESSA\)](#) was signed into law on December 10, 2015.
 - ESSA reauthorized the 1965 Elementary and Secondary Education Act (ESEA), which was previously reauthorized as No Child Left Behind (NCLB).
 - The law builds on key areas of progress and ongoing efforts to improve educational opportunities for all students in North Dakota.
 - On September 1, 2017, NDDPI received official approval of the [North Dakota State ESSA Plan](#).
 - NDDPI staff continues to review the law and engage in deliberate stakeholder involvement through the ESSA Planning Committee which approves any accountability process revisions that don't require a full state plan amendment.
- 

Purpose of Accountability

- The purpose of the ND accountability system is to provide statewide responsibility to all stakeholders to pursue the ND PK-12 Strategic vision and to do the following:
 - Provide transparency and public reporting of key performance and improvement indicators for all schools, districts, and the state;
 - Ensure all schools and districts are engaged in a process of continuous improvement;
 - Identify when and where desired results are not being achieved, prioritize which schools are most in need of support; and
 - Allocate resources and support services, increase oversight and engagement and elevate accountability for those schools most in need of support.



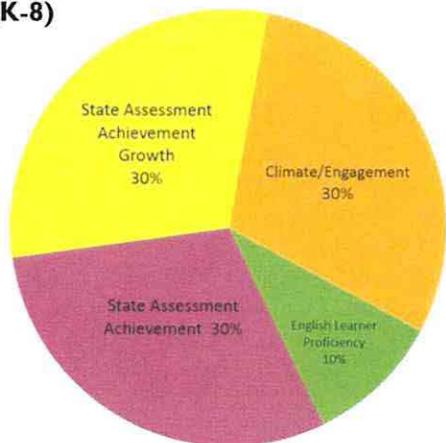
Continuous Improvement



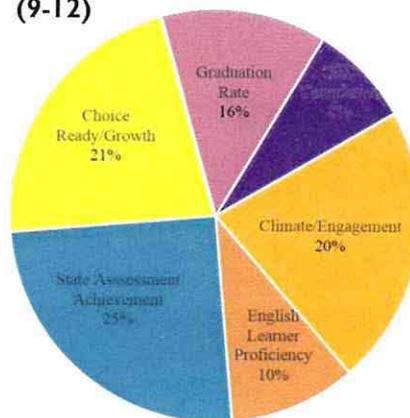
- Currently, North Dakota uses Cognia statewide for approval and as a system of improvement of all public schools.
- All schools participate in continuous school improvement through the Cognia process.
- Within North Dakota's System of Support:
 - General Support
 - Targeted Support
 - Comprehensive Support
- Visit the [Insights Dashboard](#) for detailed information about any school in North Dakota.

School Accountability System

**Elementary
(K-8)**

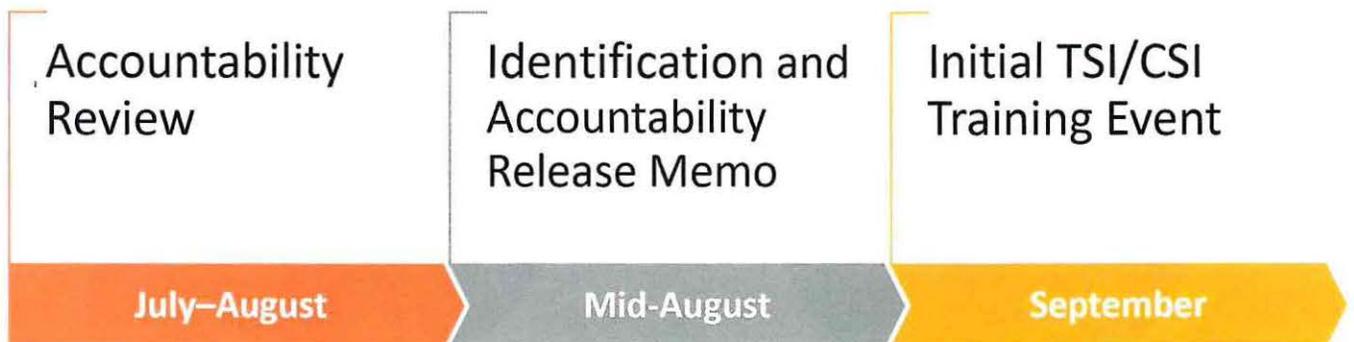


**High School
(9-12)**



For accountability purposes, grades 7 & 8 are included with the elementary report, except for large districts with an approved middle school.

Current Identification Timeline



ESSA Accountability and ND

- Under ESSA, NDDPI initially identified schools as Comprehensive Support and Improvement (CSI) for the first time in March of 2018 and the first round of Targeted Support and Improvement (TSI) schools in August of 2018 based on accountability data from either the 2016-2017 school year or the 2018-2019 school year.
- In the spring of 2019, with COVID-19, ND was unable to administer the ND State Assessment (NDSA) and, therefore, run accountability.
 - At that time, any school that was identified as TSI, was “frozen”, which meant that they were still considered TSI in 2020-2021.
 - Schools identified as CSI, were supposed to be in their “final” year of identification in 2020-2021.
- In the winter of 2020, the USED released a waiver to allow states to again pause accountability, due to potential data inconsistencies caused by the pandemic.
 - During the spring ND ESSA Implementation meeting, the committee voted to again “freeze” any TSI/CSI school for the 2021-2022 school year.
- Preliminary 2022-2023 TSI/CSI notifications occurred on August 17, 2022. The accountability review period ends on September 9, 2023.
 - NDDPI intends for this information to be finalized and available to the public next week.

Comprehensive Support and Improvement

<https://www.nd.gov/dpi/districtschools/essa/accountability/comprehensive-support-and-improvement>

CSI Selection process

Comprehensive Support: Schools identified for Comprehensive Support are selected based upon the following criteria and calculation steps:

1. Rank the schools by total points earned based upon a strategic data process. Information can be found in the [North Dakota Accountability Index Guide](#).
2. Take the bottom 5% of these schools.
3. Add high schools who have a less than 67% 6-year cohort grade rate.
4. DPI reviews the pool and identifies candidates.
5. In 21-22, 15 schools are identified for Comprehensive Support.

CSI Exit Criteria

Scores that are above the bottom 5% of Title I schools when data is run every 3 years.

For a school identified based on graduation rate: a rate that is 67% or higher for 3 consecutive years.

For a school identified based on low performance: success in meeting established interim goals for both academic achievement and graduation rates.

CSI Results (15 schools)

	District	Enrollment
Warwick Elementary School	Warwick 29	87
Fort Yates Middle School	Ft Yates 4	67
Warwick Middle School	Warwick 29	61
Selfridge Elementary School	Selfridge 8	48
Jefferson Elementary School	Fargo 1	288
Dunseith Elementary School	Dunseith 1	275
Mandaree Elementary School	Mandaree 36	151
Cannon Ball Elementary School	Solen 3	137
Oberon Elementary School	Oberon 16	55
Drayton Elementary School	Drayton 19	115
Dunseith High School	Dunseith 1	315
Valley Middle School	Grand Forks 1	527
Bowbells Elementary School	Bowbells 14	46
Dickinson Middle School	Dickinson 1	814
Four Winds Community High	Ft Totten 30	191

CSI Statistics

- 6 FORMER CSI schools EXITED CSI; 1 moved to TSI status
- 7/15 identified CSI schools did not exit and are entering into their second round of CSI status
- 3 TSI schools from the 19-20 cohort moved into CSI status
- 2 TSI schools from the 18-19 CSI cohort moved into CSI status, but had not been identified for the last three years
- 60 % of CSI schools are elementary schools (9/15)
- 27% of CSI schools are middle schools (4/15)
- 13% of CSI schools are high schools (2/15)

Targeted Support and Improvement

<https://www.nd.gov/dpi/districtschools/essa/accountability/targeted-support-and-improvement>



Current Targeted Support Selection Process

Schools are selected, annually, from a pool of “consistently underperforming” schools, defined in the following terms:

- A school, based on the composite reading and math score on the NDSA, performing in the bottom 10% for up to 3 consecutive years
 - Any school from the pool that has one or more subgroups (i.e. economically disadvantaged, children with disabilities, English Learners, and/or White, American Indian, Alaska Native, African American, Asian or Native Hawaiian, Other Pacific Islander, Hispanic or Latino) with **achievement levels below the highest performing comprehensive school** based on all accountability factors within the state’s accountability system
-

TSI Exit Criteria

School is no longer underperforming based on TSI-selection criteria.

School is successful in meeting established interim goals in identified subgroups for two consecutive years and the school is exiting by making progress on its own.

Schools receiving TSI support that do not meet exit criteria after 3 consecutive years will be selected for Comprehensive Support.

TSI Results (23 schools)

	District	Enrollment
Solen High School	Solen 3	90
Minnewaukan High School	Minnewaukan 5	80
New Town Middle School	New Town 1	153
White Shield Elementary	White Shield 85	134
Williston Middle School	Williston Basin 7	498
Carl Ben Eielson Middle School	Fargo 1	633
Nedrose Elementary School	Nedrose 4	219
Liberty Middle School	West Fargo 6	1208
Minto Elementary School	Minto 20	225
Turtle Mountain Community Elementary	Belcourt 7	634
Ben Franklin Middle School	Fargo 1	851
Mandan High School	Mandan 1	1144
South Middle School	Grand Forks 1	577
Wing Elementary School	Wing 28	46
Hebron High School	Hebron 13	44
Eight Mile High School	Eight Mile 6	96
McVay Elementary School	Williston Basin 7	413
Missouri Ridge Middle School	Williston Basin 7	362
Sargent Central High School	Sargent Central 6	44
Sunnyside Elementary School	Minot 1	305
Wachter Middle School	Bismarck 1	1067
Grafton Jr. High School	Grafton 18	145
Will-Moore Elementary School	Bismarck 1	232

TSI Statistics

- 14 FORMER TSI schools EXITED; 3 moved to CSI status
- 35% of TSI schools are elementary schools (8/23)
- 39% of TSI schools are middle schools (9/23)
- 26% of TSI schools are high schools (6/23)



Requirements and Support

Required Checkpoints



**September: Data and Goal
Development**



**January: Implementation
Checkpoint**



**Spring: Process Review,
Implementation Celebrations**

Parent Notification Requirement

Notify	Notify parents and families regarding performance measures outlined in the state's accountability report (NDDPI provides templates)
Provide	Provide a link to Insights on district website
Include	School support status, reason for selection, and identifying information

School Board Requirements

- School Boards providing oversight to CSI schools **must** go through the Be Legendary School Board Leadership Institute
 - It is **optional** for TSI schools.
- CSI schools must contact Marcia McMahon @ marcia@eandmlc.com to schedule by December 15, 2022 and complete the certification by September 2023



The poster features a photograph of a group of people in a meeting room, with a man standing at the front presenting. The text is arranged in a clean, professional layout with a mix of blue, red, and black colors.

Be Legendary School Board Leadership Institute

• INTERACTIVE • STRATEGIC • FORWARD THINKING • TEAM & LEADERSHIP DEVELOPMENT •

**OPPORTUNITY FOR SCHOOL BOARD MEMBERS:
Be Legendary School Board Leadership Certification**
See back side for more details.

North Dakota Department of Public Instruction (NDDPI) has partnered with Elliott and McMahon, LLC, to provide North Dakota school boards and school leaders with invaluable training to improve student outcomes. Using a research-based and proven system, the Be Legendary School Board Leadership Institute is based on six critical pillars to transform school board performance:

1. ADOPTING STUDENT OUTCOME GOALS
2. ADOPTING GOAL PROGRESS MEASURES
3. MONITORING STUDENT OUTCOME GOALS
4. STRUCTURING FOR SUCCESS
5. ADOPTING GUARDRAILS
6. ACTIVE TEAMWORK AND ADVOCACY

 **NDSBA**
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

 **Dakota** | Public Instruction
Be Legendary

 **ELLIOTT
AND
MCMAHON**
LEADERSHIP TRAINING

Updated Support Framework

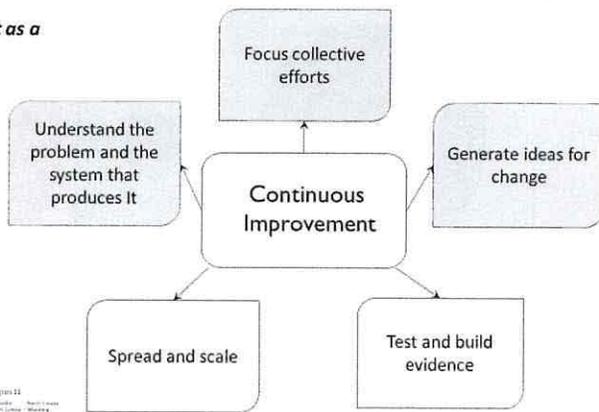
- NDDPI is contracting with NDREAs to provide support for TSI and CSI schools, specifically related to ESSA Accountability performance measures.

15.1-09.1-02.1. Regional education association - Services to be offered.

1. In order to be eligible for state funding, a regional education association must offer the following services to its member districts:
 - a. Coordination and facilitation of professional development activities for teachers and administrators employed by its member districts;
 - b. Supplementation of technology support services;
 - c. Assistance with achieving school improvement goals identified by the superintendent of public instruction;
 - d. Assistance with the collection, analysis, and interpretation of student achievement data; and
 - e. Assistance with the expansion and enrichment of curricular offerings.
 2. Subsection 1 does not preclude a regional education association from offering additional services.
- NDDPI will factor feedback from respective REA liaisons regarding a school's planning and decision-making processes into the accountability formula to determine which schools ultimately receive a TSI/CSI designation or are eligible to exit using a rubric within the School Renewal Handbook.

2022-2023 ND School Renewal Process

Improvement as a Science



CCNETWORK
August 22
2022

(Bryk et al., 2015)

A School Renewal Handbook for North Dakota Public Schools (Version 2.0)



What Specifically Are We Trying to Accomplish?
What Do We Know? Do We Really Know? Do We Try to Solve?

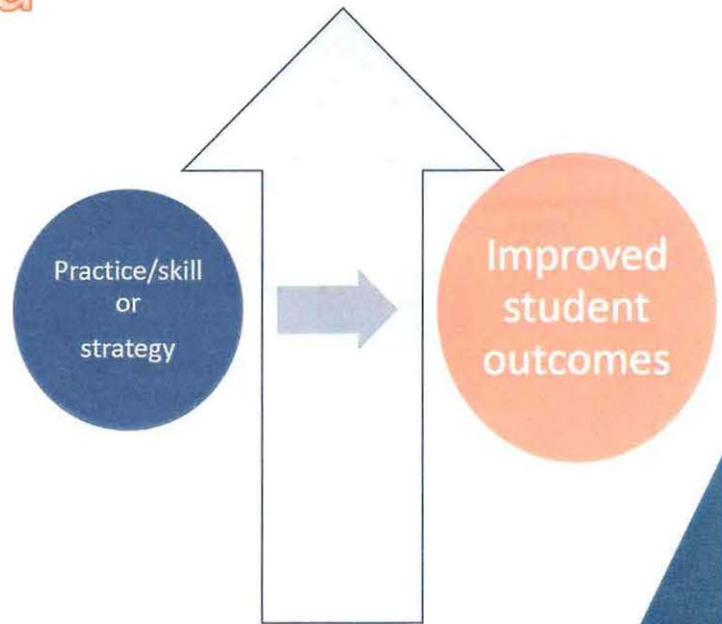
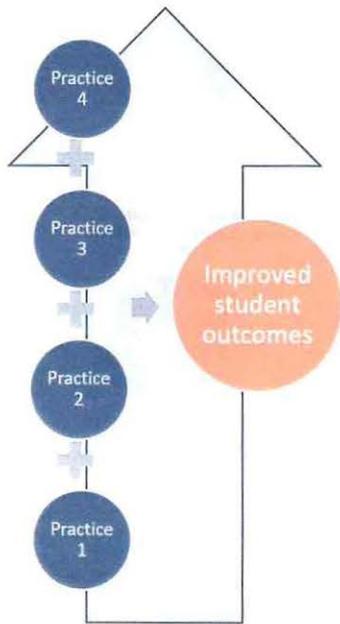
What Change Practices Might We Introduce, and Why?

How Will We Know That Our Changes? Are Improvements?

CCNETWORK

Dakota
Public Schools
Regional Education
Association

Evidence-Based Programs **And** Evidence-Based Practice





Funding

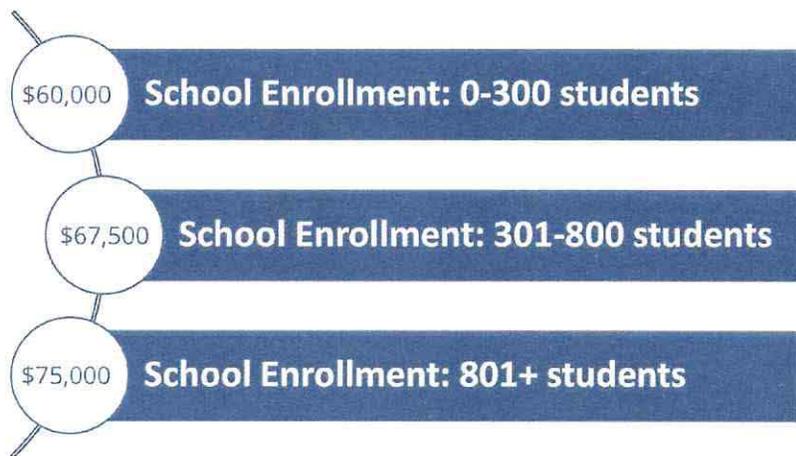


Federal Grant Funding- Title I School Support

- 7% Title I Setaside
 - 2022-2023 Allocation
 - LEA Grants = \$3,047,242 (includes provision to contract with service agencies (REAs) to provide direct support)
 - Admin = \$160,382
-

Schools selected are awarded school improvement grants to support and sustain improvement efforts by targeting interventions for root causes or performance gaps in student subgroups.

TSI Grant Cycle and Allocation:

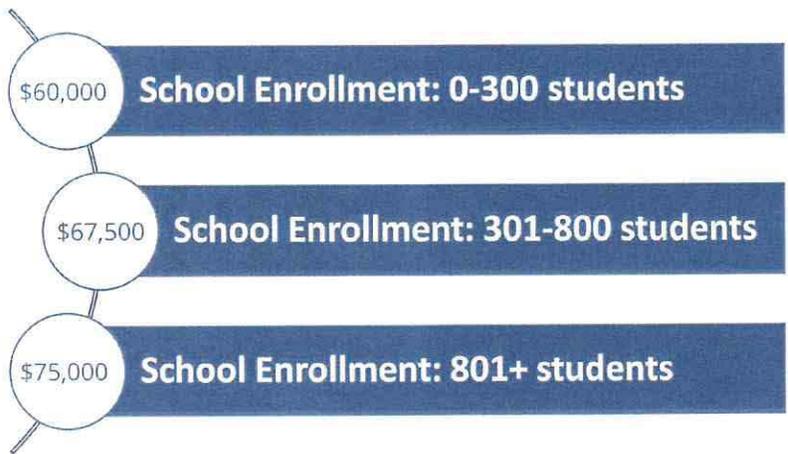


TSI
Funding
Support =
\$1,492,500

TSI Grant Funding Period: September 1, 2022 - December 30, 2023 (15 months)

Schools selected are awarded school improvement grants for three consecutive years to implement evidence-based strategies and build local capacity to sustain improvement efforts.

CSI Grant Cycle and Allocation:



CSI Funding
Support =
\$930,000

CSI Grant Funding Period: September 1, 2022 - June 30, 2025 (yearly contract with continuing renewal)

Goals and Uses of Funds

- All schools are provided guidance and support.
- Schools set their own goals based on their needs.
- Schools need to use evidence-based interventions and strategies.
- Funds are flexible, as long as schools can justify that the strategies, activities, and purchases align to the needs described in the application.
 - In general, these follow similar other Federal Program guidelines.
- Funds are intended to help schools make improvements in areas that led to the selection such as the following:
 - Professional Learning (MTSS, data, coaching, etc.)
 - Teacher stipends for professional learning, tutoring, school improvement meetings, etc. outside contract hours
 - Supplemental evidence-based curriculum
 - Technology and other hands-on manipulatives

Evidence-Based Interventions

Using Evidence-Based Practices

- ESSA generally supports and requests for prioritizing evidence-based interventions, strategies, and approaches as an overall theme
 - Evidence-based interventions are practices, strategies, or programs proven to be effective when leading to particular outcomes
 - Evidence demonstrates results when implemented
 - Programs across Title I, Title II, Title III, and Title IV must include evidence-based interventions
 - Title I School improvement requires the implementation of a higher level of evidence
 - Other programs may use less rigorous standards
-

Evidence-Based Interventions Level

WHAT IS AN "EVIDENCE-BASED" INTERVENTION? (from section 8101(21)(A) of the ESEA)

"...the term 'evidence-based,' when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that –

- (i) demonstrates a statistically significant effect on improving student outcomes or other *relevant outcomes* based on –
 - (I) *strong evidence* from at least one well-designed and well-implemented experimental study;
 - (II) *moderate evidence* from at least one well-designed and well-implemented *quasi-experimental study*; or
 - (III) *promising evidence* from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (ii) (I) *demonstrates a rationale* based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other *relevant outcomes*; and
(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

ESSA Law and Guidance

- Dictates application requirements.
 - NDDPI interprets the law to put the application together (see example).
 - Statutory Information
 - Full text can be found here: <https://www2.ed.gov/documents/essa-act-of-1965.pdf>
 - School improvement law can be found on pages 9-15, Section 1003a
 - [ESEA Funding Section 1003a Presentation \(PDF\) \(ed.gov\)](#)
-



Amanda Peterson, Director
Educational Improvement & Support
amandapeterson@nd.gov
701-328-3545

23.0697.03008
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 9, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, after the first comma insert "subsection 3 of section 15.1-06-04, section 15.1-07-25.4,"

Page 1, line 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert "and 15.1-27-23"

Page 1, line 4, after the second comma insert "virtual learning,"

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

Page 3, after line 5, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1. A school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction pursuant to section 15.1-07-25.4.

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 under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. 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, the district shall provide the annual report required under this section for the district's comparison data.

Page 20, after line 13, insert:

"SECTION 10. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction under section 15.1-06-04.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part."

Page 21, line 5, replace "2023-25" with "2023-24"

Page 22, line 1, replace "10" with "12"

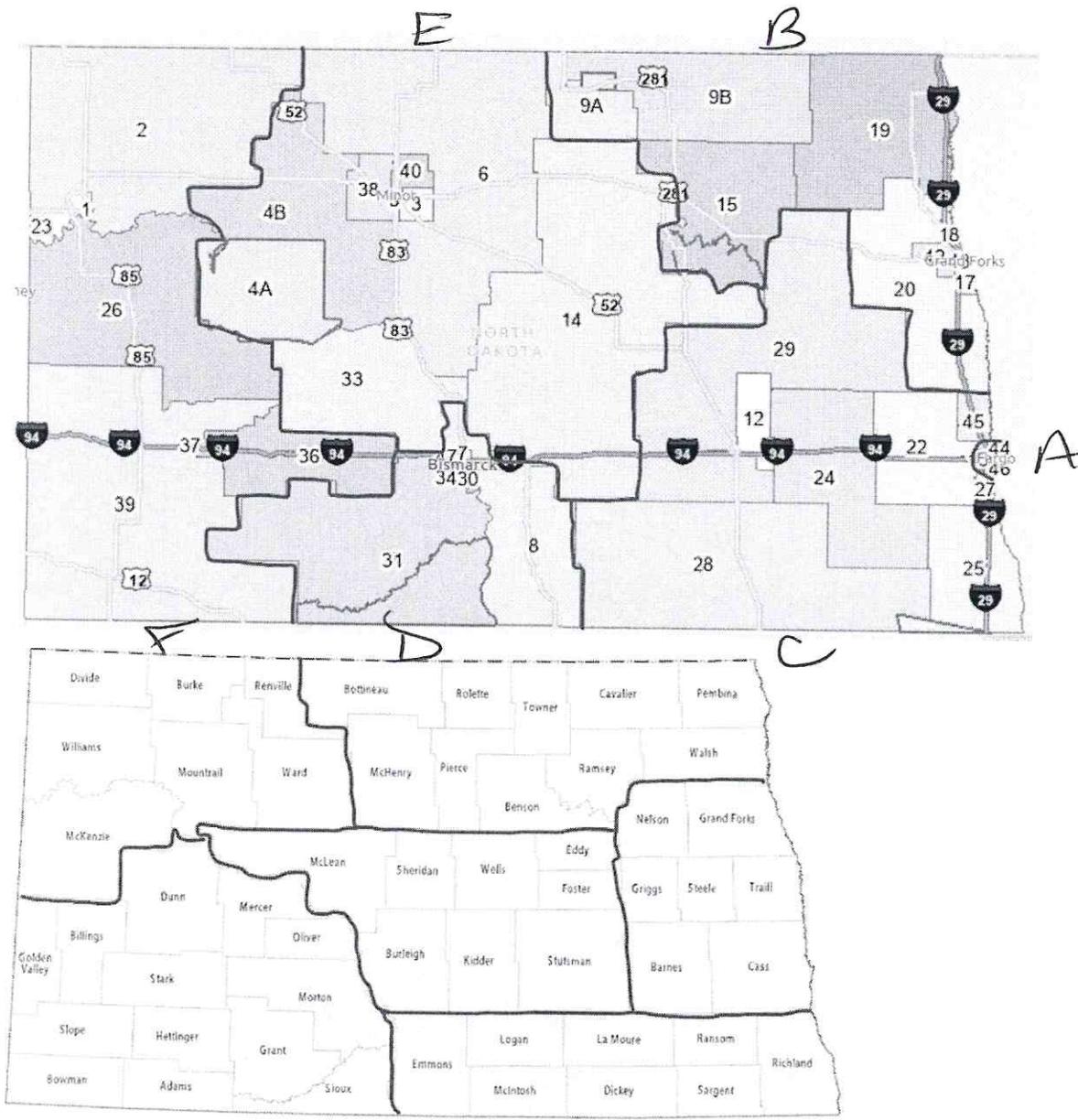
Page 22, line 8, replace "5" with "7"

Renumber accordingly

AMENDMENT SB2284

APPROPRIATION - SUPERINTENDENT 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 superintendent 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 at or below two hundred percent of federal poverty level enrolled in public schools, 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.

SB 2284
3/28/23 AM
HED U - Hauck



Row Labels	Sum of pop2023
1	153,289
2	67,462
3	295,763
4	103,132
5	148,649
6	42,746
Grand Total	811,041

*SB 2284
Total Rank*

SB 2284
3/28/23 AM
HEDU

Snow Day Amendment for Virtual Learning

SECTION 2. AMENDMENT. Subsection 3 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1. A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 15.1-07-25.4, provided that no more than eighteen hours for elementary schools or twenty-one hours for high school is because of weather cancellations.

SB 2284
3/28/23 AM
HEDU

Page 2, line 11, remove the overstrike over "counties"

Page 2, line 11, remove "districts"

Page 21, line 5, replace "2023-25" with "2023-24"

Page 21, after line 10, insert:

"SECTION 10. 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 school district boundaries, including a comparison of the implications of creating school districts based on the population of each county as counted every ten years with creating school districts based on legislative districts;
 - b. An analysis of the inclusion of representatives from small and large 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."

Page 22, line 1, replace "10" with "11"

Renumber accordingly

23.0697.03013
Title.

Prepared by the Legislative Council staff for
Representative Richter
March 20, 2023

SB 2284
3/20/23 AM
HEDU-Heinert

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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

Page 3, after line 5, insert:

"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."

Page 21, line 5, replace "2023-25" with "2023-24"

Page 22, line 1, replace "10" with "11"

Page 22, line 8, replace "5" with "6"

Renumber accordingly

SB 2284
3/28/23 AM
HEDU-Heinert

23.0697.03016
Title.

Prepared by the Legislative Council staff for
Representative Heinert
March 24, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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

Page 1, line 6, remove "; to provide for a legislative"

Page 1, line 7, remove "management study"

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

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

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

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

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

Page 20, after line 13, insert:

"SECTION 8. A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Private tutors.

A school district shall permit private tutors to provide tutoring services on school premises."

Page 21, remove lines 4 through 10

Renumber accordingly

23.0697.03009
Title.

Prepared by the Legislative Council staff for
Representative Timmons
March 10, 2023

SB 2284
3/28/23 AM
HEDU-Timmon

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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."

Renumber accordingly

SB 2284
3/28/23 - AM
HEDU - Schreiber Beck

SB 2284

“A participating member who is the spouse of a full-time active duty member of the United States military shall become immediately one hundred percent vested in the North Dakota defined contribution Public Employee Retirement System when employed by a North Dakota Public school district.”

May also need to insert enabling language:

“Teachers employed after July 1, 2023, by a North Dakota public school district who are spouses of a full-time active duty member of the United States military may become new members participating in the ND defined contribution PERS program.”

23.0697.03014
Title.

Prepared by the Legislative Council staff for
Representative Longmuir
March 22, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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

Page 1, line 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert ", 15.1-36-02, and 15.1-36-04"

Page 1, line 5, after "teacher"" 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 6, after "maximums" insert ", loans from the coal development trust fund, evidences of indebtedness"

Page 1, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to declare an emergency"

Page 3, after line 9, insert:

"SECTION 3. 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 20, after line 13, insert:

"SECTION 9. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, or an emergency repair or situation, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order ~~the~~ the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.
 - a. For a loan made under this section:
 - ~~a-~~ (1) The minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is ~~two~~five million dollars;
 - ~~b-~~ (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - ~~e-~~ (3) The interest rate of the loan may not exceed two percent per year.

- b. For a loan made under this section which includes additional expenses due to unanticipated construction inflation:
 - (1) The unanticipated construction inflation must have occurred for a construction project bid after January 1, 2021, and before June 30, 2024;
 - (2) The maximum loan amount for which a school district may qualify is five million dollars;
 - (3) The interest rate on the loan may not exceed two percent per year;
 - (4) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - (5) The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
- 5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating ~~that~~ the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require ~~that~~ the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.
- 6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

SECTION 10. AMENDMENT. Section 15.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-04. Evidences of indebtedness.

The board of a school district may issue and sell evidences of indebtedness under ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the loan amount for which the district is eligible under this chapter 21-03. Evidences of indebtedness issued under this chapter constitute a general obligation of the school district."

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 fifty million dollars and the amount of the approved loan."

Page 21, line 5, replace "2023-25" with "2023-24"

Page 21, line 8, after the period insert "The study also must include a research partnership with the university of North Dakota at a cost not to exceed \$5,000."

Page 22, line 1, replace "10" with "12"

Page 22, line 8, replace "5" with "6"

Page 22, after line 8, insert:

SECTION 17. EXPIRATION DATE. Section 9 of this Act is effective through June 30, 2025, and after that date is ineffective.

SECTION 18. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2284
3/28/23 AM
HEDU-
Longmuir

23.0697.03014

SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to amend and reenact section 15.1-01-01, subsection 8 of section 15.1-15-02,
 2 ~~subsection~~subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1, subsection 4 of
 3 section 15.1-27-03.2, ~~section~~sections 15.1-27-04.1, 15.1-36-02, and 15.1-36-04, and
 4 subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the state
 5 board of public school education members, the definition of "probationary teacher", a school
 6 district's policy governing possession of a weapon, the definition of "dangerous weapon",
 7 modification of weighting factors and transition maximums, loans from the coal development
 8 trust fund, evidences of indebtedness, and an increase in per student payments; to provide for a
 9 legislative management study; to provide a report; to provide an appropriation; to provide for an
 10 exemption; to provide for a transfer; ~~and~~ to provide an effective date; and to declare an
 11 emergency.

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

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

15 **15.1-01-01. State board of public school education - Composition.**

16 1. The state board of public school education consists of the superintendent of public
 17 instruction and:

18 a. An individual representing ~~Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
 19 ~~and Traill Counties~~legislative districts ten, eleven, thirteen, sixteen, twenty-one,
 20 forty-one, forty-four, and forty-six;

21 b. An individual representing ~~Benson, Bottineau, Cavalier, McHenry, Pembina,~~
 22 ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties~~legislative districts
 23 nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;

Sixty-eighth
Legislative Assembly

- 1 c. An individual representing ~~Dickey, Emmons, LaMoure, Logan, McIntosh,~~
2 ~~Ransom, Richland, and Sargent Counties~~legislative districts twelve, twenty-two,
3 twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;
4 d. An individual representing ~~Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,~~
5 ~~Stutsman, and Wells Counties~~legislative districts seven, eight, thirty, thirty-one,
6 thirty-two, thirty-four, thirty-five, and forty-seven;
7 e. An individual representing ~~Burke, Divide, McKenzie, Mountrail, Ward, and~~
8 ~~Williams Counties~~legislative districts three, four, five, six, fourteen, thirty-three,
9 thirty-eight, and forty; and
10 f. An individual representing ~~Adams, Billings, Bowman, Dunn, Golden Valley, Grant,~~
11 ~~Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties~~legislative
12 districts one, two, twenty-three, twenty-six, thirty-six, thirty-seven, and thirty-nine.
13 2. All board members other than the superintendent of public instruction must be
14 qualified electors and must reside in one of the ~~counties~~districts they represent.
15 3. The governor shall appoint new board members from a list of three names submitted
16 by a committee consisting of the president of North Dakota ~~united~~ or the president's
17 designee, the president of the North Dakota council of educational leaders or the
18 president's designee, and the president of the North Dakota school boards association
19 or the president's designee. Two of the state board members must be members of the
20 North Dakota school boards association. Two of the state board members must be
21 employed by a North Dakota school district and be active members of the North
22 Dakota association of school administrators.
23 4. Appointees serve for six-year terms, staggered so that the terms of two members
24 expire on June thirtieth of each even-numbered year.
25 5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration
26 of the unexpired term.
27 6. Each member of the board is entitled to receive, from the biennial appropriation for the
28 superintendent of public instruction, compensation in the amount of sixty-two dollars
29 and fifty cents per day and reimbursement for expenses, as provided by law for state
30 officers, if the member is attending board meetings or performing duties directed by
31 the board. The compensation provided for in this section may not be paid to any

1 member who receives a salary or other compensation as an employee or official of
2 this state if the individual is serving on the board by virtue of the individual's state
3 office or state employment.

4 7. The superintendent of public instruction shall serve as the executive director and
5 secretary of the board. The superintendent shall call meetings as necessary, carry out
6 the policies of the board, and employ personnel necessary to perform the board's
7 duties.

8 8. The board shall annually elect one member to serve as the chairman.

9 **SECTION 2. AMENDMENT.** Subsection 8 of section 15.1-15-02 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 8. For purposes of this section, "probationary teacher" means an individual teaching for
12 less than two years in the school district.

13 **SECTION 3. AMENDMENT.** Subsection 2 of section 15.1-19-10 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 2. The policy must ~~prohibit~~

16 a. Prohibit the possession of a dangerous weapon or a firearm by a student on
17 school property and at school functions and provide for the punishment of any
18 student found to be in violation. ~~Punishment must include immediate suspension~~
19 ~~from school and expulsion. A~~

20 b. Require a student who possesses a firearm in violation of this section must be
21 expelled for at least one year. ~~The school district firearms policy must authorize~~

22 c. Authorize the school district superintendent or the school principal, if the school
23 district does not have a superintendent, to modify an expulsion for firearms
24 possession under this section on a case-by-case basis in accordance with criteria
25 established by the board. Before expelling a student, a school board or its
26 designated hearing officer, within ten days of the student's suspension, shall
27 provide the student with a hearing at which time the school board or its
28 designated hearing officer shall take testimony and consider evidence, including
29 the existence of mitigating circumstances. If a designated hearing officer orders
30 that a student be expelled, the student may seek a review of the decision by the
31 school board, based on the record of the expulsion hearing.

- 1 d. Include a referral mechanism to the criminal justice or juvenile delinquency
2 system for a student who possesses a firearm in violation of this subsection.

3 **SECTION 4. AMENDMENT.** Subsection 6 of section 15.1-19-10 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 6. For purposes of this section:

6 a. "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

7 b. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
8 18 U.S.C. 921].

9 ~~b-c.~~ "School property" includes all land within the perimeter of the school site and all
10 school buildings, structures, facilities, and school vehicles, whether owned or
11 leased by a school district, and the site of any school-sponsored event or activity.

12 ~~c.~~ "Weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto,
13 sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any
14 throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,
15 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and
16 arrow, crossbow, or spear; any weapon that will expel, or is readily capable of
17 expelling, a projectile by the action of a spring, compressed air, or compressed
18 gas, including any such weapon, loaded or unloaded, commonly referred to as a
19 BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
20 containing or capable of producing and emitting any noxious liquid, gas, or
21 substance. The term does not include a spray or aerosol containing CS, also
22 known as ortho-chlorobenzamalonitrile; CN, also known as alpha-
23 chloroacetophenone; or other irritating agent intended for use in the defense of
24 an individual, nor does the term include a device that uses voltage for the
25 defense of an individual, unless the device uses a projectile and voltage or the
26 device uses a projectile and may be used to apply multiple applications of voltage
27 during a single incident, then the term includes the device for an individual who is
28 prohibited from possessing a firearm under this title.

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

1 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 2 1. For each school district, the superintendent of public instruction shall multiply by:
- 3 a. 1.00 the number of full-time equivalent students enrolled in an extended
- 4 educational program in accordance with section 15.1-32-17;
- 5 b. 0.60 the number of full-time equivalent students enrolled in a summer education
- 6 program, including a migrant summer education program;
- 7 c. 0.40 the number of full-time equivalent students who:
- 8 (1) On a test of English language proficiency approved by the superintendent of
- 9 public instruction are determined to be least proficient and placed in the first
- 10 of six categories of proficiency; and
- 11 (2) Are enrolled in a program of instruction for English language learners;
- 12 d. 0.28 the number of full-time equivalent students who:
- 13 (1) On a test of English language proficiency approved by the superintendent of
- 14 public instruction are determined to be more proficient than students placed
- 15 in the first of six categories of proficiency and therefore placed in the second
- 16 of six categories of proficiency; and
- 17 (2) Are enrolled in a program of instruction for English language learners;
- 18 e. 0.25 the number of full-time equivalent students under the age of twenty-one
- 19 enrolled in grades nine through twelve in an alternative high school;
- 20 f. 0.20 the number of full-time equivalent students enrolled in a home-based
- 21 education program and monitored by the school district under chapter 15.1-23;
- 22 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
- 23 special education program;
- 24 h. 0.15 the number of full-time equivalent students in grades six through eight
- 25 enrolled in an alternative education program for at least an average of fifteen
- 26 hours per week;
- 27 i. 0.10 the number of students enrolled in average daily membership, if the district
- 28 has fewer than one hundred students enrolled in average daily membership and
- 29 the district consists of an area greater than two hundred seventy-five square
- 30 miles [19424.9 hectares], provided that any school district consisting of an area
- 31 greater than six hundred square miles [155399 hectares] and enrolling fewer than

Sixty-eighth
Legislative Assembly

- 1 fifty students in average daily membership must be deemed to have an
2 enrollment equal to fifty students in average daily membership;
- 3 j. 0.082 the number of students enrolled in average daily membership, in order to
4 support the provision of special education services;
- 5 k. 0.07 the number of full-time equivalent students who:
- 6 (1) On a test of English language proficiency approved by the superintendent of
7 public instruction are determined to be more proficient than students placed
8 in the second of six categories of proficiency and therefore placed in the
9 third of six categories of proficiency;
- 10 (2) Are enrolled in a program of instruction for English language learners; and
11 (3) Have not been in the third of six categories of proficiency for more than
12 three years;
- 13 l. 0.025 the number of students representing that percentage of the total number of
14 students in average daily membership which is equivalent to the three-year
15 average percentage of students in grades three through eight who are eligible for
16 free or reduced lunches under the Richard B. Russell National School Lunch Act
17 [42 U.S.C. 1751 et seq.];
- 18 m. 0.002 the number of students enrolled in average daily membership in a school
19 district that is a participating member of a regional education association meeting
20 the requirements of chapter 15.1-09.1;
- 21 n. ~~0.60~~1.0 the number of students by which the district's September tenth
22 enrollment report exceeds the number of students in the prior year's average
23 daily membership ~~increasing the factor annually by 0.10, not to exceed 1.00~~; and
24 o. For districts paid based on September tenth enrollment in the prior year, ~~0.50~~0.70
25 the number of students determined by deducting the number of students in the
26 prior year's September tenth enrollment from the prior year's average daily
27 membership, increasing the factor annually by 0.10, not to exceed 1.00. If the
28 prior year's September tenth enrollment exceeds the prior year's average daily
29 membership, then a deduction of 0.50 the number of excess students, increasing
30 the factor annually by 0.10, not to exceed 1.00.

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

4 **SECTION 6. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the
5 North Dakota Century Code is amended and reenacted as follows:

6 o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00
7 the number of students determined by deducting the number of students in the
8 prior year's September tenth enrollment from the prior year's average daily
9 membership, ~~increasing the factor annually by 0.10, not to exceed 1.00.~~ If the
10 prior year's September tenth enrollment exceeds the prior year's average daily
11 membership, then a deduction of ~~0.50~~1.00 the number of excess students,
12 ~~increasing the factor annually by 0.10, not to exceed 1.00.~~

13 **SECTION 7. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 4. The school district size weighting factor determined under this section and multiplied
16 by a school district's weighted average daily membership equals the district's weighted
17 student units. ~~For the 2022-23 school year, for school districts that operate multiple~~
18 ~~kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers]~~
19 ~~apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no~~
20 ~~replicated grades, the superintendent of public instruction shall determine the school~~
21 ~~size weighting factor for each building separately. The superintendent of public~~
22 ~~instruction shall multiply the school size weighting factor for each building by the~~
23 ~~school district's weighted average daily membership to determine each building's~~
24 ~~weighted student units. The superintendent of public instruction shall combine the~~
25 ~~weighted student units of all buildings in the school district to determine the school~~
26 ~~district's weighted student units.~~

27 **SECTION 8. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
2 **through June 30, 2025)**

3 1. To determine the amount of state aid payable to each district, the superintendent of
4 public instruction shall establish each district's baseline funding. A district's baseline
5 funding consists of:

6 a. All state aid received by the district in accordance with chapter 15.1-27 during the
7 2018-19 school year;

8 b. An amount equal to the property tax deducted by the superintendent of public
9 instruction to determine the 2018-19 state aid payment;

10 c. An amount equal to seventy-five percent of the revenue received by the school
11 district during the 2017-18 school year for the following revenue types:

12 (1) Revenue reported under code 2000 of the North Dakota school district
13 financial accounting and reporting manual, as developed by the
14 superintendent of public instruction in accordance with section 15.1-02-08;

15 (2) Mineral revenue received by the school district through direct allocation from
16 the state treasurer and not reported under code 2000 of the North Dakota
17 school district financial accounting and reporting manual, as developed by
18 the superintendent of public instruction in accordance with section
19 15.1-02-08;

20 (3) Tuition reported under code 1300 of the North Dakota school district
21 financial accounting and reporting manual, as developed by the
22 superintendent of public instruction in accordance with section 15.1-02-08,
23 with the exception of revenue received specifically for the operation of an
24 educational program provided at a residential treatment facility, tuition
25 received for the provision of an adult farm management program, and
26 beginning in the 2021-22 school year, seventeen percent of tuition received
27 under an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid, and an
29 additional seventeen percent of tuition received under an agreement to
30 educate students from a school district on an air force base with funding
31 received through federal impact aid each school year thereafter, until the

- 1 2024-25 school year when sixty-eight percent of tuition received under an
2 agreement to educate students from a school district on an air force base
3 with funding received through federal impact aid must be excluded from the
4 tuition calculation under this paragraph;
- 5 (4) Revenue from payments in lieu of taxes on the distribution and transmission
6 of electric power;
- 7 (5) Revenue from payments in lieu of taxes on electricity generated from
8 sources other than coal; and
- 9 (6) Revenue from the leasing of land acquired by the United States for which
10 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 11 d. An amount equal to the total revenue received by the school district during the
12 2017-18 school year for the following revenue types:
- 13 (1) Mobile home tax revenue;
- 14 (2) Telecommunications tax revenue; and
- 15 (3) Revenue from payments in lieu of taxes and state reimbursement of the
16 homestead credit and disabled veterans credit; and
- 17 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
18 baseline funding for any school district that becomes an elementary district
19 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
20 be proportional to the number of weighted student units in the grades that are
21 offered through another school district relative to the total number of weighted
22 student units the school district offered in the year before the school district
23 became an elementary district. The reduced baseline funding applies to the
24 calculation of state aid for the first school year in which the school district
25 becomes an elementary district and for each year thereafter. For districts that
26 become an elementary district prior to the 2020-21 school year, the
27 superintendent shall use the reduced baseline funding to calculate state aid for
28 the 2020-21 school year and for each year thereafter.
- 29 2. a. The superintendent shall divide the district's baseline funding determined in
30 subsection 1 by the district's 2017-18 weighted student units to determine the
31 district's baseline funding per weighted student unit.

- 1 b. For any school district that becomes an elementary district pursuant to section
2 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
3 district's baseline funding per weighted student unit used to calculate state aid.
4 The superintendent shall divide the district's baseline funding determined in
5 subsection 1 by the district's weighted student units after the school district
6 becomes an elementary district to determine the district's adjusted baseline
7 funding per weighted student unit. The superintendent shall use the district's
8 adjusted baseline funding per weighted student unit in the calculation of state aid
9 for the first school year in which the school district becomes an elementary
10 district and for each year thereafter.
- 11 c. Beginning with the 2021-22 school year and for each school year thereafter, the
12 superintendent shall reduce the district's baseline funding per weighted student
13 unit. Each year the superintendent shall calculate the amount by which the
14 district's baseline funding per weighted student unit exceeds the payment per
15 weighted student unit provided in subsection 3. The superintendent shall reduce
16 the district's baseline funding per weighted student unit by fifteen percent of the
17 amount by which the district's baseline funding per weighted student unit exceeds
18 the payment per weighted student unit for the 2021-22 school year. For each
19 year thereafter, the reduction percentage is increased by an additional fifteen
20 percent. However, the district's baseline funding per weighted student unit, after
21 the reduction, may not be less than the payment per weighted student unit
22 provided in subsection 3.
- 23 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
24 as the greater of:
- 25 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
26 ~~thirty-six~~five hundred forty-four dollars;
- 27 (2) One hundred two percent of the district's baseline funding per weighted
28 student unit, as established in subsection 2, multiplied by the district's
29 weighted student units, not to exceed the district's 2017-18 baseline
30 weighted student units, plus any weighted student units in excess of the

- 1 2017-18 baseline weighted student units multiplied by ten thousand
2 ~~one hundred thirty-six~~five hundred forty-four dollars; or
- 3 (3) The district's baseline funding as established in subsection 1 less the
4 amount in paragraph 1, with the difference reduced by fifteen percent and
5 then the difference added to the amount determined in paragraph 1.
- 6 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
7 superintendent shall calculate state aid as the greater of:
- 8 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
9 ~~thirty-seven~~eight hundred sixty dollars;
- 10 (2) One hundred two percent of the district's baseline funding per weighted
11 student unit, as established in subsection 2, multiplied by the district's
12 weighted student units, not to exceed the district's 2017-18 baseline
13 weighted student units, plus any weighted student units in excess of the
14 2017-18 baseline weighted student units multiplied by ten thousand
15 ~~two hundred thirty-seven~~eight hundred sixty dollars; or
- 16 (3) The district's baseline funding as established in subsection 1 less the
17 amount in paragraph 1, with the difference reduced by thirty percent for the
18 2022-23 school year and the reduction percentage increasing by fifteen
19 percent each school year thereafter until the difference is reduced to zero,
20 and then the difference added to the amount determined in paragraph 1.
- 21 ~~e. The superintendent also shall adjust state aid determined in this subsection to~~
22 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 23 ~~(1) For the 2021-22 school year, the transition maximum rate is one hundred~~
24 ~~ten percent of the district's baseline funding per weighted student unit, as~~
25 ~~established in subsection 2, multiplied by the district's weighted student~~
26 ~~units from the previous school year.~~
- 27 ~~(2) For the 2022-23 school year, the transition maximum rate is one hundred~~
28 ~~ten percent of the district's baseline funding per weighted student unit, as~~
29 ~~established in subsection 2, multiplied by the district's weighted student~~
30 ~~units from the previous school year.~~

- 1 (3) For the 2023-24 school year, the transition maximum rate is one hundred
2 ten percent of the district's baseline funding per weighted student unit, as
3 established in subsection 2, plus twenty percent of the difference between
4 the rate under paragraph 1 of subdivision b of this subsection and
5 one hundred ten percent of the district's baseline funding per weighted
6 student unit. The transition maximum is determined by multiplying the
7 transition maximum rate, which may not exceed the rate under paragraph 1
8 of subdivision b of this subsection, by the district's weighted student units
9 from the previous school year.
- 10 (4) For the 2024-25 school year, the transition maximum rate is one hundred
11 ten percent of the district's baseline funding per weighted student unit, as
12 established in subsection 2, plus forty percent of the difference between the
13 rate under paragraph 1 of subdivision b of this subsection and one hundred
14 ten percent of the district's baseline funding per weighted student unit. The
15 transition maximum is determined by multiplying the transition maximum
16 rate, which may not exceed the rate under paragraph 1 of subdivision b of
17 this subsection, by the district's weighted student units from the previous
18 school year.
- 19 (5) For the 2025-26 school year, the transition maximum rate is one hundred
20 ten percent of the district's baseline funding per weighted student unit, as
21 established in subsection 2, plus sixty percent of the difference between the
22 rate under paragraph 1 of subdivision b of this subsection and one hundred
23 ten percent of the district's baseline funding per weighted student unit. The
24 transition maximum is determined by multiplying the transition maximum
25 rate, which may not exceed the rate under paragraph 1 of subdivision b of
26 this subsection, by the district's weighted student units from the previous
27 school year.
- 28 (6) For the 2026-27 school year, the transition maximum rate is one hundred
29 ten percent of the district's baseline funding per weighted student unit, as
30 established in subsection 2, plus eighty percent of the difference between
31 the rate under paragraph 1 of subdivision b of this subsection and

1 ~~one hundred ten percent of the district's baseline funding per weighted~~
2 ~~student unit. The transition maximum is determined by multiplying the~~
3 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
4 ~~of subdivision b of this subsection, by the district's weighted student units~~
5 ~~from the previous school year.~~

6 4. After determining the product in accordance with subsection 3, the superintendent of
7 public instruction shall:

8 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
9 school district, except the amount in dollars subtracted for purposes of this
10 subdivision may not exceed the previous year's amount in dollars subtracted for
11 purposes of this subdivision by more than twelve percent, adjusted pursuant to
12 section 15.1-27-04.3; and

13 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
14 subdivisions c and d of subsection 1. Before determining the deduction for
15 seventy-five percent of all revenue types, the superintendent of public instruction
16 shall adjust revenues as follows:

17 (1) Tuition revenue shall be adjusted as follows:

18 (a) In addition to deducting tuition revenue received specifically for the
19 operation of an educational program provided at a residential
20 treatment facility, tuition revenue received for the provision of an adult
21 farm management program, and tuition received under an agreement
22 to educate students from a school district on an air force base with
23 funding received through federal impact aid as directed each school
24 year in paragraph 3 of subdivision c of subsection 1, the
25 superintendent of public instruction also shall reduce the total tuition
26 reported by the school district by the amount of tuition revenue
27 received for the education of students not residing in the state and for
28 which the state has not entered a cross-border education contract;
29 and

30 (b) The superintendent of public instruction also shall reduce the total
31 tuition reported by admitting school districts meeting the requirements

1 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
2 of tuition revenue received for the education of students residing in an
3 adjacent school district.

4 (2) After adjusting tuition revenue as provided in paragraph 1, the
5 superintendent shall reduce all remaining revenues from all revenue types
6 by the percentage of mills levied in ~~2020~~2022 by the school district for
7 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
8 school district for all purposes.

9 5. The amount remaining after the computation required under subsection 4 is the
10 amount of state aid to which a school district is entitled, subject to any other statutory
11 requirements or limitations.

12 6. On or before June thirtieth of each year, the school board shall certify to the
13 superintendent of public instruction the final average daily membership for the current
14 school year.

15 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
16 with the school districts, shall report the following to the superintendent of public
17 instruction on an annual basis:

18 a. The amount of revenue received by each school district in the county during the
19 previous school year for each type of revenue identified in subdivisions c and d of
20 subsection 1;

21 b. The total number of mills levied in the previous calendar year by each school
22 district for all purposes; and

23 c. The number of mills levied in the previous calendar year by each school district
24 for sinking and interest fund purposes.

25 **Baseline funding - Establishment - Determination of state aid. (Effective after**
26 **June 30, 2025)**

27 1. To determine the amount of state aid payable to each district, the superintendent of
28 public instruction shall establish each district's baseline funding. A district's baseline
29 funding consists of:

30 a. All state aid received by the district in accordance with chapter 15.1-27 during the
31 2018-19 school year;

- 1 b. An amount equal to the property tax deducted by the superintendent of public
2 instruction to determine the 2018-19 state aid payment;
- 3 c. An amount equal to seventy-five percent of the revenue received by the school
4 district during the 2017-18 school year for the following revenue types:
- 5 (1) Revenue reported under code 2000 of the North Dakota school district
6 financial accounting and reporting manual, as developed by the
7 superintendent of public instruction in accordance with section 15.1-02-08;
- 8 (2) Mineral revenue received by the school district through direct allocation from
9 the state treasurer and not reported under code 2000 of the North Dakota
10 school district financial accounting and reporting manual, as developed by
11 the superintendent of public instruction in accordance with section
12 15.1-02-08;
- 13 (3) Tuition reported under code 1300 of the North Dakota school district
14 financial accounting and reporting manual, as developed by the
15 superintendent of public instruction in accordance with section 15.1-02-08,
16 with the exception of revenue received specifically for the operation of an
17 educational program provided at a residential treatment facility, tuition
18 received for the provision of an adult farm management program, and
19 beginning in the 2025-26 school year, eighty-five percent of tuition received
20 under an agreement to educate students from a school district on an
21 air force base with funding received through federal impact aid, until the
22 2026-27 school year, and each school year thereafter, when all tuition
23 received under an agreement to educate students from a school district on
24 an air force base with funding received through federal impact aid must be
25 excluded from the tuition calculation under this paragraph;
- 26 (4) Revenue from payments in lieu of taxes on the distribution and transmission
27 of electric power;
- 28 (5) Revenue from payments in lieu of taxes on electricity generated from
29 sources other than coal; and
- 30 (6) Revenue from the leasing of land acquired by the United States for which
31 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and

- 1 d. An amount equal to the total revenue received by the school district during the
2 2017-18 school year for the following revenue types:
- 3 (1) Mobile home tax revenue;
- 4 (2) Telecommunications tax revenue; and
- 5 (3) Revenue from payments in lieu of taxes and state reimbursement of the
6 homestead credit and disabled veterans credit.
- 7 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
8 baseline funding for any school district that becomes an elementary district
9 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
10 be proportional to the number of weighted student units in the grades that are
11 offered through another school district relative to the total number of weighted
12 student units the school district offered in the year before the school district
13 became an elementary district. The reduced baseline funding applies to the
14 calculation of state aid for the first school year in which the school district
15 becomes an elementary district and for each year thereafter. For districts that
16 become an elementary district prior to the 2020-21 school year, the
17 superintendent shall use the reduced baseline funding to calculate state aid for
18 the 2020-21 school year and for each year thereafter.
- 19 2. a. The superintendent shall divide the district's baseline funding determined in
20 subsection 1 by the district's 2017-18 weighted student units to determine the
21 district's baseline funding per weighted student unit.
- 22 b. For any school district that becomes an elementary district pursuant to section
23 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
24 district's baseline funding per weighted student unit used to calculate state aid.
25 The superintendent shall divide the district's baseline funding determined in
26 subsection 1 by the district's weighted student units after the school district
27 becomes an elementary district to determine the district's adjusted baseline
28 funding per weighted student unit. The superintendent shall use the district's
29 adjusted baseline funding per weighted student unit in the calculation of state aid
30 for the first school year in which the school district becomes an elementary
31 district and for each year thereafter.

- 1 c. Beginning with the 2021-22 school year and for each school year thereafter, the
2 superintendent shall reduce the district's baseline funding per weighted student
3 unit. Each year the superintendent shall calculate the amount by which the
4 district's baseline funding per weighted student unit exceeds the payment per
5 weighted student unit provided in subsection 3. The superintendent shall reduce
6 the district's baseline funding per weighted student unit by fifteen percent of the
7 amount by which the district's baseline funding per weighted student unit exceeds
8 the payment per weighted student unit for the 2021-22 school year. For each
9 year thereafter, the reduction percentage is increased by an additional fifteen
10 percent. However, the district's baseline funding per weighted student unit, after
11 the reduction, may not be less than the payment per weighted student unit
12 provided in subsection 3.
- 13 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
14 as the greater of:
- 15 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
16 ~~thirty-six~~five hundred forty-four dollars;
- 17 (2) One hundred two percent of the district's baseline funding per weighted
18 student unit, as established in subsection 2, multiplied by the district's
19 weighted student units, not to exceed the district's 2017-18 baseline
20 weighted student units, plus any weighted student units in excess of the
21 2017-18 baseline weighted student units multiplied by ten thousand
22 ~~one hundred thirty-six~~five hundred forty-four dollars; or
- 23 (3) The district's baseline funding as established in subsection 1 less the
24 amount in paragraph 1, with the difference reduced by fifteen percent and
25 then the difference added to the amount determined in paragraph 1.
- 26 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
27 superintendent shall calculate state aid as the greater of:
- 28 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
29 ~~thirty-seven~~eight hundred sixty dollars;
- 30 (2) One hundred two percent of the district's baseline funding per weighted
31 student unit, as established in subsection 2, multiplied by the district's

- 1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by ten thousand
4 ~~two hundred thirty seven~~ eight hundred sixty dollars; or
- 5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by thirty percent for the
7 2022-23 school year and the reduction percentage increasing by fifteen
8 percent each school year thereafter until the difference is reduced to zero,
9 and then the difference added to the amount determined in paragraph 1.
- 10 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
11 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 12 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
13 ~~ten percent of the district's baseline funding per weighted student unit, as~~
14 ~~established in subsection 2, multiplied by the district's weighted student~~
15 ~~units from the previous school year.~~
- 16 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, multiplied by the district's weighted student~~
19 ~~units from the previous school year.~~
- 20 (3) ~~For the 2023-24 school year, the transition maximum rate is one hundred~~
21 ~~ten percent of the district's baseline funding per weighted student unit, as~~
22 ~~established in subsection 2, plus twenty percent of the difference between~~
23 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
24 ~~one hundred ten percent of the district's baseline funding per weighted~~
25 ~~student unit. The transition maximum is determined by multiplying the~~
26 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
27 ~~of subdivision b of this subsection, by the district's weighted student units~~
28 ~~from the previous school year.~~
- 29 (4) ~~For the 2024-25 school year, the transition maximum rate is one hundred~~
30 ~~ten percent of the district's baseline funding per weighted student unit, as~~
31 ~~established in subsection 2, plus forty percent of the difference between the~~

- 1 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
2 ~~ten percent of the district's baseline funding per weighted student unit. The~~
3 ~~transition maximum is determined by multiplying the transition maximum~~
4 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
5 ~~this subsection, by the district's weighted student units from the previous~~
6 ~~school year.~~
- 7 (5) ~~For the 2025-26 school year, the transition maximum rate is one hundred~~
8 ~~ten percent of the district's baseline funding per weighted student unit, as~~
9 ~~established in subsection 2, plus sixty percent of the difference between the~~
10 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
11 ~~ten percent of the district's baseline funding per weighted student unit. The~~
12 ~~transition maximum is determined by multiplying the transition maximum~~
13 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
14 ~~this subsection, by the district's weighted student units from the previous~~
15 ~~school year.~~
- 16 (6) ~~For the 2026-27 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, plus eighty percent of the difference between~~
19 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
20 ~~one hundred ten percent of the district's baseline funding per weighted~~
21 ~~student unit. The transition maximum is determined by multiplying the~~
22 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
23 ~~of subdivision b of this subsection, by the district's weighted student units~~
24 ~~from the previous school year.~~
- 25 4. After determining the product in accordance with subsection 3, the superintendent of
26 public instruction shall:
- 27 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
28 school district; and
- 29 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
30 subdivisions c and d of subsection 1. Before determining the deduction for

- 1 seventy-five percent of all revenue types, the superintendent of public instruction
2 shall adjust revenues as follows:
- 3 (1) Tuition revenue shall be adjusted as follows:
- 4 (a) In addition to deducting tuition revenue received specifically for the
5 operation of an educational program provided at a residential
6 treatment facility, tuition revenue received for the provision of an adult
7 farm management program, and tuition received under an agreement
8 to educate students from a school district on an air force base with
9 funding received through federal impact aid as directed each school
10 year in paragraph 3 of subdivision c of subsection 1, the
11 superintendent of public instruction also shall reduce the total tuition
12 reported by the school district by the amount of tuition revenue
13 received for the education of students not residing in the state and for
14 which the state has not entered a cross-border education contract;
15 and
- 16 (b) The superintendent of public instruction also shall reduce the total
17 tuition reported by admitting school districts meeting the requirements
18 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
19 of tuition revenue received for the education of students residing in an
20 adjacent school district.
- 21 (2) After adjusting tuition revenue as provided in paragraph 1, the
22 superintendent shall reduce all remaining revenues from all revenue types
23 by the percentage of mills levied in ~~2020~~2022 by the school district for
24 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
25 school district for all purposes.
- 26 5. The amount remaining after the computation required under subsection 4 is the
27 amount of state aid to which a school district is entitled, subject to any other statutory
28 requirements or limitations.
- 29 6. On or before June thirtieth of each year, the school board shall certify to the
30 superintendent of public instruction the final average daily membership for the current
31 school year.

- 1 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
2 with the school districts, shall report the following to the superintendent of public
3 instruction on an annual basis:
- 4 a. The amount of revenue received by each school district in the county during the
5 previous school year for each type of revenue identified in subdivisions c and d of
6 subsection 1;
- 7 b. The total number of mills levied in the previous calendar year by each school
8 district for all purposes; and
- 9 c. The number of mills levied in the previous calendar year by each school district
10 for sinking and interest fund purposes.

11 **SECTION 9. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-36-02. Coal development trust fund - Board of university and school lands -**
14 **School construction projects - Unanticipated construction projects and emergency**
15 **repairs - Loans.**

- 16 1. Up to sixty million dollars from the coal development trust fund is available to the
17 board of university and school lands for loans under this section.
- 18 2. To be eligible for a loan under this section, the school district must demonstrate a need
19 based on an unanticipated construction project, an unanticipated replacement project,
20 or an emergency repair or situation, and the board of a school district shall:
- 21 a. Obtain the approval of the superintendent of public instruction for the construction
22 project under section 15.1-36-01; and
- 23 b. Submit to the superintendent of public instruction an application containing all
24 information deemed necessary by the superintendent, including potential
25 alternative sources or methods of financing the construction project.
- 26 3. The superintendent of public instruction shall consider each loan application in the
27 order ~~it~~ the application received approval under section 15.1-36-01.
- 28 4. If the superintendent of public instruction approves the loan, the board of university
29 and school lands shall issue a loan from the coal development trust fund.
- 30 a. For a loan made under this section:

- 1 a. (1) The minimum loan amount is two hundred fifty thousand dollars and the
2 maximum loan amount for which a school district may qualify is ~~two~~five
3 million dollars;
- 4 b. (2) The term of the loan is twenty years, unless the board of the school district
5 requests a shorter term in the written loan application; and
- 6 e. (3) The interest rate of the loan may not exceed two percent per year.
- 7 b. For a loan made under this section which includes additional expenses due to
8 unanticipated construction inflation:
- 9 (1) The unanticipated construction inflation must have occurred for a
10 construction project bid after January 1, 2021, and before June 30, 2024;
- 11 (2) The maximum loan amount for which a school district may qualify is five
12 million dollars;
- 13 (3) The interest rate on the loan may not exceed two percent per year;
- 14 (4) The term of the loan is twenty years, unless the board of the school district
15 requests a shorter term in the written loan application; and
- 16 (5) The school district may pledge revenues derived from its general fund levy
17 authority or other sources of revenue authorized by law.
- 18 5. a. If a school district seeking a loan under this section received an allocation of the
19 oil and gas gross production tax during the previous fiscal year in accordance
20 with chapter 57-51, the board of the district shall provide to the board of
21 university and school lands, and to the state treasurer, its evidence of
22 indebtedness indicating ~~that~~ the loan originated under this section.
- 23 b. If the evidence of indebtedness is payable solely from the school district's
24 allocation of the oil and gas gross production tax in accordance with section
25 57-51-15, the loan does not constitute a general obligation of the school district
26 and may not be considered a debt of the district.
- 27 c. If a loan made to a school district is payable solely from the district's allocation of
28 the oil and gas gross production tax in accordance with section 57-51-15, the
29 terms of the loan must require ~~that~~ the state treasurer withhold the dollar amount
30 or percentage specified in the loan agreement, from each of the district's oil and
31 gas gross production tax allocations, in order to repay the principal and interest of

- 1 the evidence of indebtedness. The state treasurer shall deposit the amount
2 withheld into the fund from which the loan originated.
- 3 d. Any evidence of indebtedness executed by the board of a school district under
4 this subsection is a negotiable instrument and not subject to taxation by the state
5 or any political subdivision of the state.
- 6 6. For purposes of this section, a "construction project" means the purchase, lease,
7 erection, or improvement of any structure or facility by a school board, provided the
8 acquisition or activity is within a school board's authority.

9 **SECTION 10. AMENDMENT.** Section 15.1-36-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-36-04. Evidences of indebtedness.**

12 The board of a school district may issue and sell evidences of indebtedness under
13 ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project
14 approved under this chapter. The principal amount of the loan and the evidences of
15 indebtedness to repay the loan may not exceed the loan amount for which the district is eligible
16 under ~~this~~ chapter 21-03. Evidences of indebtedness issued under this chapter constitute a
17 general obligation of the school district.

18 **SECTION 11. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
21 shall issue a loan from the school construction assistance revolving loan fund. For a
22 loan made under this section:
- 23 a. ~~The~~ If the school construction project totals less than seventy-five million dollars,
24 the maximum loan amount for which a school district may qualify is ten million
25 dollars. However, if a school district's unobligated general fund balance on the
26 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
27 loan amount under this section may not exceed eighty percent of the project's
28 cost up to a maximum loan amount of eight million dollars;
- 29 b. If the school construction project totals seventy-five million dollars or more, the
30 maximum loan amount for which a school district may qualify is fifty million
31 dollars. However, if a school district's unobligated general fund balance on the

1 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
2 loan amount under this section may not exceed eighty percent of the project's
3 cost up to a maximum loan amount of forty million dollars:

4 c. The term of the loan is twenty years, unless the board of the school district
5 requests a shorter term in the written loan application; and

6 e.d. The interest rate of the loan may not exceed two percent per year.

7 e. A district with a school construction loan secured on the open bond market may
8 apply to refinance the loan when callable with the school construction assistance
9 revolving loan fund under this subsection.

10 f. A district that qualifies for a loan under subdivision b, which was approved for a
11 loan of up to ten million dollars for a construction project bid after January 1,
12 2021, and before June 30, 2024, may apply for a loan in an amount equal to the
13 difference between fifty million dollars and the amount of the approved loan.

14 **SECTION 12. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION**

15 **SERVICES FUNDING.** During the ~~2023-25~~2023-24 interim, the legislative management shall
16 study school transportation services funding. The study must include a review of the formula for
17 funding school transportation services and an assessment of whether a factor-based model
18 would fund school transportation more appropriately. The study also must include a research
19 partnership with the university of North Dakota at a cost not to exceed \$5,000. The legislative
20 management shall report its findings and recommendations, together with any legislation
21 required to implement the recommendations, to the sixty-ninth legislative assembly.

22 **SECTION 13. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**

23 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
24 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
25 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
26 instruction for the purpose of supporting professional learning related to the science of reading
27 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
28 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
29 regional education associations to ensure continuity of access to science of reading training
30 opportunities and develop support processes to deepen science of reading implementation. The
31 superintendent of public instruction shall provide quarterly reports to the legislative

1 management on the implementation and effectiveness of this appropriation on improving
2 educational outcomes, including the number of teachers trained, an anticipated timeline of
3 results trends, and any results trends available.

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

5 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
6 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
7 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
8 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the
9 2023-25 biennium and the office of management and budget shall transfer this amount into the
10 public instruction fund for the purpose of funding professional learning related to the science of
11 reading and implementing systematic direct literacy instruction as appropriated in section ~~10~~12
12 of this Act.

13 **SECTION 15. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

14 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and

15 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
16 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
17 and ending June 30, 2025.

18 **SECTION 16. EFFECTIVE DATE.** Section ~~5~~6 of this Act becomes effective on July 1, 2024.

19 **SECTION 17. EXPIRATION DATE.** Section 9 of this Act is effective through June 30, 2025,
20 and after that date is ineffective.

21 **SECTION 18. EMERGENCY.** This Act is declared to be an emergency measure.

SB 2284
3-28-23 PM
Schreiber-Beck

ix

SB 2284

P

Task force to examine employer recruitment needs, applicable state regulations, and benefit options available and applicable to K-12 educators within the state, including the presence of and potential barriers to military personnel and their spouses from participating as teachers within the classroom. The study will result in identification of public policy strategies for immediate and long term implementation to help North Dakota continue to address teacher shortage and support for military families and spouses.

23.0697.03018
Title.

Prepared by the Legislative Council staff for
Representative Hauck
March 28, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, remove "section 15.1-01-01,"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 5

Page 21, line 5, replace "2023-25" with "2023-24"

Page 21, after line 10, insert:

**"SECTION 9. 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."

Page 22, line 8, replace "5" with "4"

Renumber accordingly

23.0697.03018

SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 | A BILL for an Act to amend and reenact ~~section 15.1-01-01~~, subsection 8 of section 15.1-15-02,
2 | subsection 6 of section 15.1-19-10, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2,
3 | section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century
4 | Code, relating to the state board of public school education members, the definition of
5 | "probationary teacher", the definition of "weapon", modification of weighting factors and
6 | transition maximums, and an increase in per student payments; to provide for a legislative
7 | management study; to provide a report; to provide an appropriation; to provide for an
8 | exemption; to provide for a transfer; and to provide an effective date.

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

10 | ~~SECTION 1. AMENDMENT. Section 15.1-01-01 of the North Dakota Century Code is~~
11 | ~~amended and reenacted as follows:~~

12 | ~~15.1-01-01. State board of public school education - Composition.~~

13 | ~~1. The state board of public school education consists of the superintendent of public-~~
14 | ~~instruction and:~~

15 | ~~a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
16 | ~~and Traill Counties legislative districts ten, eleven, thirteen, sixteen, twenty one,~~
17 | ~~forty one, forty four, and forty six;~~

18 | ~~b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,~~
19 | ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties legislative districts~~
20 | ~~nine, fifteen, seventeen, eighteen, nineteen, twenty, forty two, and forty three;~~

21 | ~~c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,~~
22 | ~~Ransom, Richland, and Sargent Counties legislative districts twelve, twenty two,~~
23 | ~~twenty four, twenty five, twenty seven, twenty eight, twenty nine, and forty five;~~

Sixty-eighth
Legislative Assembly

- 1 ~~d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,~~
2 ~~Stutsman, and Wells Counties legislative districts seven, eight, thirty, thirty one,~~
3 ~~thirty two, thirty four, thirty five, and forty seven;~~
- 4 ~~e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and~~
5 ~~Williams Counties legislative districts three, four, five, six, fourteen, thirty three,~~
6 ~~thirty eight, and forty; and~~
- 7 ~~f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant,~~
8 ~~Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties legislative~~
9 ~~districts one, two, twenty three, twenty six, thirty six, thirty seven, and thirty nine.~~
- 10 ~~2. All board members other than the superintendent of public instruction must be~~
11 ~~qualified electors and must reside in one of the counties districts they represent.~~
- 12 ~~3. The governor shall appoint new board members from a list of three names submitted~~
13 ~~by a committee consisting of the president of North Dakota united or the president's~~
14 ~~designee, the president of the North Dakota council of educational leaders or the~~
15 ~~president's designee, and the president of the North Dakota school boards association~~
16 ~~or the president's designee. Two of the state board members must be members of the~~
17 ~~North Dakota school boards association. Two of the state board members must be~~
18 ~~employed by a North Dakota school district and be active members of the North~~
19 ~~Dakota association of school administrators.~~
- 20 ~~4. Appointees serve for six year terms, staggered so that the terms of two members~~
21 ~~expire on June thirtieth of each even numbered year.~~
- 22 ~~5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration~~
23 ~~of the unexpired term.~~
- 24 ~~6. Each member of the board is entitled to receive, from the biennial appropriation for the~~
25 ~~superintendent of public instruction, compensation in the amount of sixty two dollars~~
26 ~~and fifty cents per day and reimbursement for expenses, as provided by law for state~~
27 ~~officers, if the member is attending board meetings or performing duties directed by~~
28 ~~the board. The compensation provided for in this section may not be paid to any~~
29 ~~member who receives a salary or other compensation as an employee or official of~~
30 ~~this state if the individual is serving on the board by virtue of the individual's state~~
31 ~~office or state employment.~~

- 1 ~~7. The superintendent of public instruction shall serve as the executive director and~~
2 ~~secretary of the board. The superintendent shall call meetings as necessary, carry out~~
3 ~~the policies of the board, and employ personnel necessary to perform the board's~~
4 ~~duties.~~
5 ~~8. The board shall annually elect one member to serve as the chairman.~~

6 **SECTION 1. AMENDMENT.** Subsection 8 of section 15.1-15-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 8. For purposes of this section, "probationary teacher" means an individual teaching for
9 less than two years in the school district.

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

- 12 6. For purposes of this section:
- 13 a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
14 18 U.S.C. 921].
- 15 b. "School property" includes all land within the perimeter of the school site and all
16 school buildings, structures, facilities, and school vehicles, whether owned or
17 leased by a school district, and the site of any school-sponsored event or activity.
- 18 c. "Weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto,
19 sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any
20 throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,
21 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and
22 arrow, crossbow, or spear; any weapon that will expel, or is readily capable of
23 expelling, a projectile by the action of a spring, compressed air, or compressed
24 gas, including any such weapon, loaded or unloaded, commonly referred to as a
25 BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
26 containing or capable of producing and emitting any noxious liquid, gas, or
27 substance. The term does not include a spray or aerosol containing CS, also
28 known as ortho-chlorobenzamalonitrile; CN, also known as alpha-
29 chloroacetophenone; or other irritating agent intended for use in the defense of
30 an individual, nor does the term include a device that uses voltage for the
31 defense of an individual, unless the device uses a projectile and voltage or the

1 device uses a projectile and may be used to apply multiple applications of voltage
2 during a single incident, then the term includes the device for an individual who is
3 prohibited from possessing a firearm under this title.

4 **SECTION 3. 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.**

- 7 1. For each school district, the superintendent of public instruction shall multiply by:
- 8 a. 1.00 the number of full-time equivalent students enrolled in an extended
9 educational program in accordance with section 15.1-32-17;
 - 10 b. 0.60 the number of full-time equivalent students enrolled in a summer education
11 program, including a migrant summer education program;
 - 12 c. 0.40 the number of full-time equivalent students who:
 - 13 (1) On a test of English language proficiency approved by the superintendent of
14 public instruction are determined to be least proficient and placed in the first
15 of six categories of proficiency; and
 - 16 (2) Are enrolled in a program of instruction for English language learners;
 - 17 d. 0.28 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 first of six categories of proficiency and therefore placed in the second
21 of six categories of proficiency; and
 - 22 (2) Are enrolled in a program of instruction for English language learners;
 - 23 e. 0.25 the number of full-time equivalent students under the age of twenty-one
24 enrolled in grades nine through twelve in an alternative high school;
 - 25 f. 0.20 the number of full-time equivalent students enrolled in a home-based
26 education program and monitored by the school district under chapter 15.1-23;
 - 27 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
28 special education program;
 - 29 h. 0.15 the number of full-time equivalent students in grades six through eight
30 enrolled in an alternative education program for at least an average of fifteen
31 hours per week;

Sixty-eighth
Legislative Assembly

- 1 i. 0.10 the number of students enrolled in average daily membership, if the district
2 has fewer than one hundred students enrolled in average daily membership and
3 the district consists of an area greater than two hundred seventy-five square
4 miles [19424.9 hectares], provided that any school district consisting of an area
5 greater than six hundred square miles [155399 hectares] and enrolling fewer than
6 fifty students in average daily membership must be deemed to have an
7 enrollment equal to fifty students in average daily membership;
- 8 j. 0.082 the number of students enrolled in average daily membership, in order to
9 support the provision of special education services;
- 10 k. 0.07 the number of full-time equivalent students who:
- 11 (1) On a test of English language proficiency approved by the superintendent of
12 public instruction are determined to be more proficient than students placed
13 in the second of six categories of proficiency and therefore placed in the
14 third of six categories of proficiency;
- 15 (2) Are enrolled in a program of instruction for English language learners; and
- 16 (3) Have not been in the third of six categories of proficiency for more than
17 three years;
- 18 l. 0.025 the number of students representing that percentage of the total number of
19 students in average daily membership which is equivalent to the three-year
20 average percentage of students in grades three through eight who are eligible for
21 free or reduced lunches under the Richard B. Russell National School Lunch Act
22 [42 U.S.C. 1751 et seq.];
- 23 m. 0.002 the number of students enrolled in average daily membership in a school
24 district that is a participating member of a regional education association meeting
25 the requirements of chapter 15.1-09.1;
- 26 n. ~~0.601_0~~ the number of students by which the district's September tenth
27 enrollment report exceeds the number of students in the prior year's average
28 daily membership ~~increasing the factor annually by 0.10, not to exceed 1.00;~~ and
- 29 o. For districts paid based on September tenth enrollment in the prior year, ~~0.500.70~~
30 the number of students determined by deducting the number of students in the
31 prior year's September tenth enrollment from the prior year's average daily

- 1 membership, increasing the factor annually by 0.10, not to exceed 1.00. If the
2 prior year's September tenth enrollment exceeds the prior year's average daily
3 membership, then a deduction of 0.50 the number of excess students, increasing
4 the factor annually by 0.10, not to exceed 1.00.
- 5 2. The superintendent of public instruction shall determine each school district's weighted
6 average daily membership by adding the products derived under subsection 1 to the
7 district's average daily membership.

8 **SECTION 4. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the
9 North Dakota Century Code is amended and reenacted as follows:

- 10 o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00
11 the number of students determined by deducting the number of students in the
12 prior year's September tenth enrollment from the prior year's average daily
13 membership, ~~increasing the factor annually by 0.10, not to exceed 1.00.~~ If the
14 prior year's September tenth enrollment exceeds the prior year's average daily
15 membership, then a deduction of ~~0.50~~1.00 the number of excess students,
16 ~~increasing the factor annually by 0.10, not to exceed 1.00.~~

17 **SECTION 5. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 4. The school district size weighting factor determined under this section and multiplied
20 by a school district's weighted average daily membership equals the district's weighted
21 student units. ~~For the 2022-23 school year, for school districts that operate multiple-~~
22 ~~kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers]~~
23 ~~apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no-~~
24 ~~replicated grades, the superintendent of public instruction shall determine the school-~~
25 ~~size weighting factor for each building separately. The superintendent of public-~~
26 ~~instruction shall multiply the school size weighting factor for each building by the-~~
27 ~~school district's weighted average daily membership to determine each building's-~~
28 ~~weighted student units. The superintendent of public instruction shall combine the-~~
29 ~~weighted student units of all buildings in the school district to determine the school-~~
30 ~~district's weighted student units.~~

1 **SECTION 6. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
4 **through June 30, 2025)**

5 1. To determine the amount of state aid payable to each district, the superintendent of
6 public instruction shall establish each district's baseline funding. A district's baseline
7 funding consists of:

8 a. All state aid received by the district in accordance with chapter 15.1-27 during the
9 2018-19 school year;

10 b. An amount equal to the property tax deducted by the superintendent of public
11 instruction to determine the 2018-19 state aid payment;

12 c. An amount equal to seventy-five percent of the revenue received by the school
13 district during the 2017-18 school year for the following revenue types:

14 (1) Revenue reported under code 2000 of the North Dakota school district
15 financial accounting and reporting manual, as developed by the
16 superintendent of public instruction in accordance with section 15.1-02-08;

17 (2) Mineral revenue received by the school district through direct allocation from
18 the state treasurer and not reported under code 2000 of the North Dakota
19 school district financial accounting and reporting manual, as developed by
20 the superintendent of public instruction in accordance with section
21 15.1-02-08;

22 (3) Tuition reported under code 1300 of the North Dakota school district
23 financial accounting and reporting manual, as developed by the
24 superintendent of public instruction in accordance with section 15.1-02-08,
25 with the exception of revenue received specifically for the operation of an
26 educational program provided at a residential treatment facility, tuition
27 received for the provision of an adult farm management program, and
28 beginning in the 2021-22 school year, seventeen percent of tuition received
29 under an agreement to educate students from a school district on an
30 air force base with funding received through federal impact aid, and an
31 additional seventeen percent of tuition received under an agreement to

- 1 educate students from a school district on an air force base with funding
2 received through federal impact aid each school year thereafter, until the
3 2024-25 school year when sixty-eight percent of tuition received under an
4 agreement to educate students from a school district on an air force base
5 with funding received through federal impact aid must be excluded from the
6 tuition calculation under this paragraph;
- 7 (4) Revenue from payments in lieu of taxes on the distribution and transmission
8 of electric power;
- 9 (5) Revenue from payments in lieu of taxes on electricity generated from
10 sources other than coal; and
- 11 (6) Revenue from the leasing of land acquired by the United States for which
12 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 13 d. An amount equal to the total revenue received by the school district during the
14 2017-18 school year for the following revenue types:
- 15 (1) Mobile home tax revenue;
- 16 (2) Telecommunications tax revenue; and
- 17 (3) Revenue from payments in lieu of taxes and state reimbursement of the
18 homestead credit and disabled veterans credit; and
- 19 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
20 baseline funding for any school district that becomes an elementary district
21 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
22 be proportional to the number of weighted student units in the grades that are
23 offered through another school district relative to the total number of weighted
24 student units the school district offered in the year before the school district
25 became an elementary district. The reduced baseline funding applies to the
26 calculation of state aid for the first school year in which the school district
27 becomes an elementary district and for each year thereafter. For districts that
28 become an elementary district prior to the 2020-21 school year, the
29 superintendent shall use the reduced baseline funding to calculate state aid for
30 the 2020-21 school year and for each year thereafter.

- 1 2. a. The superintendent shall divide the district's baseline funding determined in
2 subsection 1 by the district's 2017-18 weighted student units to determine the
3 district's baseline funding per weighted student unit.
- 4 b. For any school district that becomes an elementary district pursuant to section
5 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
6 district's baseline funding per weighted student unit used to calculate state aid.
7 The superintendent shall divide the district's baseline funding determined in
8 subsection 1 by the district's weighted student units after the school district
9 becomes an elementary district to determine the district's adjusted baseline
10 funding per weighted student unit. The superintendent shall use the district's
11 adjusted baseline funding per weighted student unit in the calculation of state aid
12 for the first school year in which the school district becomes an elementary
13 district and for each year thereafter.
- 14 c. Beginning with the 2021-22 school year and for each school year thereafter, the
15 superintendent shall reduce the district's baseline funding per weighted student
16 unit. Each year the superintendent shall calculate the amount by which the
17 district's baseline funding per weighted student unit exceeds the payment per
18 weighted student unit provided in subsection 3. The superintendent shall reduce
19 the district's baseline funding per weighted student unit by fifteen percent of the
20 amount by which the district's baseline funding per weighted student unit exceeds
21 the payment per weighted student unit for the 2021-22 school year. For each
22 year thereafter, the reduction percentage is increased by an additional fifteen
23 percent. However, the district's baseline funding per weighted student unit, after
24 the reduction, may not be less than the payment per weighted student unit
25 provided in subsection 3.
- 26 3. a. For the ~~2024-22~~2023-24 school year, the superintendent shall calculate state aid
27 as the greater of:
- 28 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
29 ~~thirty-six~~five hundred forty-four dollars;
- 30 (2) One hundred two percent of the district's baseline funding per weighted
31 student unit, as established in subsection 2, multiplied by the district's

- 1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by ten thousand
4 ~~one hundred thirty-six~~ five hundred forty-four dollars; or
- 5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by fifteen percent and
7 then the difference added to the amount determined in paragraph 1.
- 8 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
9 superintendent shall calculate state aid as the greater of:
- 10 (1) The district's weighted student units multiplied by ten thousand ~~two hundred-~~
11 ~~thirty-seven~~ eight hundred sixty dollars;
- 12 (2) One hundred two percent of the district's baseline funding per weighted
13 student unit, as established in subsection 2, multiplied by the district's
14 weighted student units, not to exceed the district's 2017-18 baseline
15 weighted student units, plus any weighted student units in excess of the
16 2017-18 baseline weighted student units multiplied by ten thousand
17 ~~two hundred thirty-seven~~ eight hundred sixty dollars; or
- 18 (3) The district's baseline funding as established in subsection 1 less the
19 amount in paragraph 1, with the difference reduced by thirty percent for the
20 2022-23 school year and the reduction percentage increasing by fifteen
21 percent each school year thereafter until the difference is reduced to zero,
22 and then the difference added to the amount determined in paragraph 1.
- 23 ~~e. The superintendent also shall adjust state aid determined in this subsection to~~
24 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 25 ~~(1) For the 2021-22 school year, the transition maximum rate is one hundred-~~
26 ~~ten percent of the district's baseline funding per weighted student unit, as~~
27 ~~established in subsection 2, multiplied by the district's weighted student~~
28 ~~units from the previous school year.~~
- 29 ~~(2) For the 2022-23 school year, the transition maximum rate is one hundred-~~
30 ~~ten percent of the district's baseline funding per weighted student unit, as~~

- 1 established in subsection 2, multiplied by the district's weighted student
2 units from the previous school year.
- 3 ~~(3) For the 2023-24 school year, the transition maximum rate is one hundred~~
4 ~~ten percent of the district's baseline funding per weighted student unit, as~~
5 ~~established in subsection 2, plus twenty percent of the difference between~~
6 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
7 ~~one hundred ten percent of the district's baseline funding per weighted~~
8 ~~student unit. The transition maximum is determined by multiplying the~~
9 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
10 ~~of subdivision b of this subsection, by the district's weighted student units~~
11 ~~from the previous school year.~~
- 12 ~~(4) For the 2024-25 school year, the transition maximum rate is one hundred~~
13 ~~ten percent of the district's baseline funding per weighted student unit, as~~
14 ~~established in subsection 2, plus forty percent of the difference between the~~
15 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
16 ~~ten percent of the district's baseline funding per weighted student unit. The~~
17 ~~transition maximum is determined by multiplying the transition maximum~~
18 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
19 ~~this subsection, by the district's weighted student units from the previous~~
20 ~~school year.~~
- 21 ~~(5) For the 2025-26 school year, the transition maximum rate is one hundred~~
22 ~~ten percent of the district's baseline funding per weighted student unit, as~~
23 ~~established in subsection 2, plus sixty percent of the difference between the~~
24 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
25 ~~ten percent of the district's baseline funding per weighted student unit. The~~
26 ~~transition maximum is determined by multiplying the transition maximum~~
27 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
28 ~~this subsection, by the district's weighted student units from the previous~~
29 ~~school year.~~
- 30 ~~(6) For the 2026-27 school year, the transition maximum rate is one hundred~~
31 ~~ten percent of the district's baseline funding per weighted student unit, as~~

1 ~~established in subsection 2, plus eighty percent of the difference between~~
2 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
3 ~~one hundred ten percent of the district's baseline funding per weighted~~
4 ~~student unit. The transition maximum is determined by multiplying the~~
5 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
6 ~~of subdivision b of this subsection, by the district's weighted student units~~
7 ~~from the previous school year.~~

8 4. After determining the product in accordance with subsection 3, the superintendent of
9 public instruction shall:

10 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
11 school district, except the amount in dollars subtracted for purposes of this
12 subdivision may not exceed the previous year's amount in dollars subtracted for
13 purposes of this subdivision by more than twelve percent, adjusted pursuant to
14 section 15.1-27-04.3; and

15 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
16 subdivisions c and d of subsection 1. Before determining the deduction for
17 seventy-five percent of all revenue types, the superintendent of public instruction
18 shall adjust revenues as follows:

19 (1) Tuition revenue shall be adjusted as follows:

20 (a) In addition to deducting tuition revenue received specifically for the
21 operation of an educational program provided at a residential
22 treatment facility, tuition revenue received for the provision of an adult
23 farm management program, and tuition received under an agreement
24 to educate students from a school district on an air force base with
25 funding received through federal impact aid as directed each school
26 year in paragraph 3 of subdivision c of subsection 1, the
27 superintendent of public instruction also shall reduce the total tuition
28 reported by the school district by the amount of tuition revenue
29 received for the education of students not residing in the state and for
30 which the state has not entered a cross-border education contract;
31 and

1 (b) The superintendent of public instruction also shall reduce the total
2 tuition reported by admitting school districts meeting the requirements
3 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
4 of tuition revenue received for the education of students residing in an
5 adjacent school district.

6 (2) After adjusting tuition revenue as provided in paragraph 1, the
7 superintendent shall reduce all remaining revenues from all revenue types
8 by the percentage of mills levied in ~~2020~~2022 by the school district for
9 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
10 school district for all purposes.

11 5. The amount remaining after the computation required under subsection 4 is the
12 amount of state aid to which a school district is entitled, subject to any other statutory
13 requirements or limitations.

14 6. On or before June thirtieth of each year, the school board shall certify to the
15 superintendent of public instruction the final average daily membership for the current
16 school year.

17 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
18 with the school districts, shall report the following to the superintendent of public
19 instruction on an annual basis:

20 a. The amount of revenue received by each school district in the county during the
21 previous school year for each type of revenue identified in subdivisions c and d of
22 subsection 1;

23 b. The total number of mills levied in the previous calendar year by each school
24 district for all purposes; and

25 c. The number of mills levied in the previous calendar year by each school district
26 for sinking and interest fund purposes.

27 **Baseline funding - Establishment - Determination of state aid. (Effective after**
28 **June 30, 2025)**

29 1. To determine the amount of state aid payable to each district, the superintendent of
30 public instruction shall establish each district's baseline funding. A district's baseline
31 funding consists of:

Sixty-eighth
Legislative Assembly

- 1 a. All state aid received by the district in accordance with chapter 15.1-27 during the
- 2 2018-19 school year;
- 3 b. An amount equal to the property tax deducted by the superintendent of public
- 4 instruction to determine the 2018-19 state aid payment;
- 5 c. An amount equal to seventy-five percent of the revenue received by the school
- 6 district during the 2017-18 school year for the following revenue types:
- 7 (1) Revenue reported under code 2000 of the North Dakota school district
- 8 financial accounting and reporting manual, as developed by the
- 9 superintendent of public instruction in accordance with section 15.1-02-08;
- 10 (2) Mineral revenue received by the school district through direct allocation from
- 11 the state treasurer and not reported under code 2000 of the North Dakota
- 12 school district financial accounting and reporting manual, as developed by
- 13 the superintendent of public instruction in accordance with section
- 14 15.1-02-08;
- 15 (3) Tuition reported under code 1300 of the North Dakota school district
- 16 financial accounting and reporting manual, as developed by the
- 17 superintendent of public instruction in accordance with section 15.1-02-08,
- 18 with the exception of revenue received specifically for the operation of an
- 19 educational program provided at a residential treatment facility, tuition
- 20 received for the provision of an adult farm management program, and
- 21 beginning in the 2025-26 school year, eighty-five percent of tuition received
- 22 under an agreement to educate students from a school district on an
- 23 air force base with funding received through federal impact aid, until the
- 24 2026-27 school year, and each school year thereafter, when all tuition
- 25 received under an agreement to educate students from a school district on
- 26 an air force base with funding received through federal impact aid must be
- 27 excluded from the tuition calculation under this paragraph;
- 28 (4) Revenue from payments in lieu of taxes on the distribution and transmission
- 29 of electric power;
- 30 (5) Revenue from payments in lieu of taxes on electricity generated from
- 31 sources other than coal; and

- 1 (6) Revenue from the leasing of land acquired by the United States for which
2 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and
- 3 d. An amount equal to the total revenue received by the school district during the
4 2017-18 school year for the following revenue types:
- 5 (1) Mobile home tax revenue;
- 6 (2) Telecommunications tax revenue; and
- 7 (3) Revenue from payments in lieu of taxes and state reimbursement of the
8 homestead credit and disabled veterans credit.
- 9 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
10 baseline funding for any school district that becomes an elementary district
11 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
12 be proportional to the number of weighted student units in the grades that are
13 offered through another school district relative to the total number of weighted
14 student units the school district offered in the year before the school district
15 became an elementary district. The reduced baseline funding applies to the
16 calculation of state aid for the first school year in which the school district
17 becomes an elementary district and for each year thereafter. For districts that
18 become an elementary district prior to the 2020-21 school year, the
19 superintendent shall use the reduced baseline funding to calculate state aid for
20 the 2020-21 school year and for each year thereafter.
- 21 2. a. The superintendent shall divide the district's baseline funding determined in
22 subsection 1 by the district's 2017-18 weighted student units to determine the
23 district's baseline funding per weighted student unit.
- 24 b. For any school district that becomes an elementary district pursuant to section
25 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
26 district's baseline funding per weighted student unit used to calculate state aid.
27 The superintendent shall divide the district's baseline funding determined in
28 subsection 1 by the district's weighted student units after the school district
29 becomes an elementary district to determine the district's adjusted baseline
30 funding per weighted student unit. The superintendent shall use the district's
31 adjusted baseline funding per weighted student unit in the calculation of state aid

- 1 for the first school year in which the school district becomes an elementary
2 district and for each year thereafter.
- 3 c. Beginning with the 2021-22 school year and for each school year thereafter, the
4 superintendent shall reduce the district's baseline funding per weighted student
5 unit. Each year the superintendent shall calculate the amount by which the
6 district's baseline funding per weighted student unit exceeds the payment per
7 weighted student unit provided in subsection 3. The superintendent shall reduce
8 the district's baseline funding per weighted student unit by fifteen percent of the
9 amount by which the district's baseline funding per weighted student unit exceeds
10 the payment per weighted student unit for the 2021-22 school year. For each
11 year thereafter, the reduction percentage is increased by an additional fifteen
12 percent. However, the district's baseline funding per weighted student unit, after
13 the reduction, may not be less than the payment per weighted student unit
14 provided in subsection 3.
- 15 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
16 as the greater of:
- 17 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
18 ~~thirty-six~~five hundred forty-four dollars;
- 19 (2) One hundred two percent of the district's baseline funding per weighted
20 student unit, as established in subsection 2, multiplied by the district's
21 weighted student units, not to exceed the district's 2017-18 baseline
22 weighted student units, plus any weighted student units in excess of the
23 2017-18 baseline weighted student units multiplied by ten thousand
24 ~~one hundred thirty-six~~five hundred forty-four dollars; or
- 25 (3) The district's baseline funding as established in subsection 1 less the
26 amount in paragraph 1, with the difference reduced by fifteen percent and
27 then the difference added to the amount determined in paragraph 1.
- 28 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
29 superintendent shall calculate state aid as the greater of:
- 30 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
31 ~~thirty-seven~~eight hundred sixty dollars;

- 1 (2) One hundred two percent of the district's baseline funding per weighted
2 student unit, as established in subsection 2, multiplied by the district's
3 weighted student units, not to exceed the district's 2017-18 baseline
4 weighted student units, plus any weighted student units in excess of the
5 2017-18 baseline weighted student units multiplied by ten thousand
6 two hundred thirty seven eight hundred sixty dollars; or
- 7 (3) The district's baseline funding as established in subsection 1 less the
8 amount in paragraph 1, with the difference reduced by thirty percent for the
9 2022-23 school year and the reduction percentage increasing by fifteen
10 percent each school year thereafter until the difference is reduced to zero,
11 and then the difference added to the amount determined in paragraph 1.
- 12 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
13 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 14 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
15 ~~ten percent of the district's baseline funding per weighted student unit, as~~
16 ~~established in subsection 2, multiplied by the district's weighted student~~
17 ~~units from the previous school year.~~
- 18 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
19 ~~ten percent of the district's baseline funding per weighted student unit, as~~
20 ~~established in subsection 2, multiplied by the district's weighted student~~
21 ~~units from the previous school year.~~
- 22 (3) ~~For the 2023-24 school year, the transition maximum rate is one hundred~~
23 ~~ten percent of the district's baseline funding per weighted student unit, as~~
24 ~~established in subsection 2, plus twenty percent of the difference between~~
25 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
26 ~~one hundred ten percent of the district's baseline funding per weighted~~
27 ~~student unit. The transition maximum is determined by multiplying the~~
28 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
29 ~~of subdivision b of this subsection, by the district's weighted student units~~
30 ~~from the previous school year.~~

- 1 ~~(4) For the 2024-25 school year, the transition maximum rate is one hundred~~
2 ~~ten percent of the district's baseline funding per weighted student unit, as~~
3 ~~established in subsection 2, plus forty percent of the difference between the~~
4 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
5 ~~ten percent of the district's baseline funding per weighted student unit. The~~
6 ~~transition maximum is determined by multiplying the transition maximum~~
7 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
8 ~~this subsection, by the district's weighted student units from the previous~~
9 ~~school year.~~
- 10 ~~(5) For the 2025-26 school year, the transition maximum rate is one hundred~~
11 ~~ten percent of the district's baseline funding per weighted student unit, as~~
12 ~~established in subsection 2, plus sixty percent of the difference between the~~
13 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
14 ~~ten percent of the district's baseline funding per weighted student unit. The~~
15 ~~transition maximum is determined by multiplying the transition maximum~~
16 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
17 ~~this subsection, by the district's weighted student units from the previous~~
18 ~~school year.~~
- 19 ~~(6) For the 2026-27 school year, the transition maximum rate is one hundred~~
20 ~~ten percent of the district's baseline funding per weighted student unit, as~~
21 ~~established in subsection 2, plus eighty percent of the difference between~~
22 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
23 ~~one hundred ten percent of the district's baseline funding per weighted~~
24 ~~student unit. The transition maximum is determined by multiplying the~~
25 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
26 ~~of subdivision b of this subsection, by the district's weighted student units~~
27 ~~from the previous school year.~~
- 28 4. After determining the product in accordance with subsection 3, the superintendent of
29 public instruction shall:
- 30 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
31 school district; and

- 1 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
2 subdivisions c and d of subsection 1. Before determining the deduction for
3 seventy-five percent of all revenue types, the superintendent of public instruction
4 shall adjust revenues as follows:
- 5 (1) Tuition revenue shall be adjusted as follows:
- 6 (a) In addition to deducting tuition revenue received specifically for the
7 operation of an educational program provided at a residential
8 treatment facility, tuition revenue received for the provision of an adult
9 farm management program, and tuition received under an agreement
10 to educate students from a school district on an air force base with
11 funding received through federal impact aid as directed each school
12 year in paragraph 3 of subdivision c of subsection 1, the
13 superintendent of public instruction also shall reduce the total tuition
14 reported by the school district by the amount of tuition revenue
15 received for the education of students not residing in the state and for
16 which the state has not entered a cross-border education contract;
17 and
- 18 (b) The superintendent of public instruction also shall reduce the total
19 tuition reported by admitting school districts meeting the requirements
20 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
21 of tuition revenue received for the education of students residing in an
22 adjacent school district.
- 23 (2) After adjusting tuition revenue as provided in paragraph 1, the
24 superintendent shall reduce all remaining revenues from all revenue types
25 by the percentage of mills levied in ~~2020~~2022 by the school district for
26 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
27 school district for all purposes.
- 28 5. The amount remaining after the computation required under subsection 4 is the
29 amount of state aid to which a school district is entitled, subject to any other statutory
30 requirements or limitations.

- 1 6. On or before June thirtieth of each year, the school board shall certify to the
2 superintendent of public instruction the final average daily membership for the current
3 school year.
- 4 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
5 with the school districts, shall report the following to the superintendent of public
6 instruction on an annual basis:
- 7 a. The amount of revenue received by each school district in the county during the
8 previous school year for each type of revenue identified in subdivisions c and d of
9 subsection 1;
- 10 b. The total number of mills levied in the previous calendar year by each school
11 district for all purposes; and
- 12 c. The number of mills levied in the previous calendar year by each school district
13 for sinking and interest fund purposes.

14 **SECTION 7. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
17 shall issue a loan from the school construction assistance revolving loan fund. For a
18 loan made under this section:
- 19 a. ~~If the school construction project totals less than seventy-five million dollars,~~
20 the maximum loan amount for which a school district may qualify is ten million
21 dollars. However, if a school district's unobligated general fund balance on the
22 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
23 loan amount under this section may not exceed eighty percent of the project's
24 cost up to a maximum loan amount of eight million dollars;
- 25 b. ~~If the school construction project totals seventy-five million dollars or more, the~~
26 maximum loan amount for which a school district may qualify is fifty million
27 dollars. However, if a school district's unobligated general fund balance on the
28 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
29 loan amount under this section may not exceed eighty percent of the project's
30 cost up to a maximum loan amount of forty million dollars;

1 c. The term of the loan is twenty years, unless the board of the school district
2 requests a shorter term in the written loan application; and

3 e.d. The interest rate of the loan may not exceed two percent per year.

4 **SECTION 8. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION**

5 **SERVICES FUNDING.** During the ~~2023-25~~2023-24 interim, the legislative management shall
6 study school transportation services funding. The study must include a review of the formula for
7 funding school transportation services and an assessment of whether a factor-based model
8 would fund school transportation more appropriately. The legislative management shall report
9 its findings and recommendations, together with any legislation required to implement the
10 recommendations, to the sixty-ninth legislative assembly.

11 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE**
12 **BOARD OF PUBLIC SCHOOL EDUCATION.**

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

1 **SECTION 10. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
2 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
3 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
4 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
5 instruction for the purpose of supporting professional learning related to the science of reading
6 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
7 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
8 regional education associations to ensure continuity of access to science of reading training
9 opportunities and develop support processes to deepen science of reading implementation. The
10 superintendent of public instruction shall provide quarterly reports to the legislative
11 management on the implementation and effectiveness of this appropriation on improving
12 educational outcomes, including the number of teachers trained, an anticipated timeline of
13 results trends, and any results trends available.

14 **SECTION 11. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**
15 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
16 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
17 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
18 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the
19 2023-25 biennium and the office of management and budget shall transfer this amount into the
20 public instruction fund for the purpose of funding professional learning related to the science of
21 reading and implementing systematic direct literacy instruction as appropriated in section 10 of
22 this Act.

23 **SECTION 12. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
24 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
25 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
26 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
27 and ending June 30, 2025.

28 **SECTION 13. EFFECTIVE DATE.** Section ~~54~~ of this Act becomes effective on July 1, 2024.

- 1 4. Build teacher content knowledge and pedagogical knowledge of the critical
- 2 components of literacy including the brain's learning to read process, phonological and
- 3 phonemic awareness, letter knowledge, phonics, advanced phonics, vocabulary and
- 4 oral language, fluency, comprehension, spelling and writing, and the organization of
- 5 language;
- 6 5. Support educators to effectively use screening, progress monitoring, and diagnostic
- 7 assessment data to improve literacy outcomes through prevention and intervention for
- 8 reading difficulties in a multitiered system of supports;
- 9 6. Have a proven track record of more than five years of experience at scale; and
- 10 7. Require a minimum of ninety hours of instruction.

11 **SECTION 11. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
12 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
13 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
14 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
15 instruction for the purpose of supporting professional learning related to the science of reading
16 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
17 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
18 regional education associations to ensure continuity of access to science of reading training
19 opportunities and develop support processes to deepen science of reading implementation. The
20 superintendent of public instruction shall provide quarterly reports to the legislative
21 management on the implementation and effectiveness of this appropriation on improving
22 educational outcomes, including the number of teachers trained, an anticipated timeline of
23 results trends, and any results trends available.

24 **SECTION 12. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

25 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
26 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
27 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
28 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the
29 2023-25 biennium and the office of management and budget shall transfer this amount into the
30 public instruction fund for the purpose of funding professional learning related to the science of

23.0362.04002

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1231

Introduced by

Representatives Strinden, J. Johnson, Pyle, Satrom, Schatz

Senators Cleary, Davison, Kreun, Myrdal

1 A BILL for an Act ~~to create and enact a new section to chapter 15.1-13 of the North Dakota~~
2 ~~Century Code, relating to teacher license requirements for reading instruction competency;~~ to
3 amend and reenact ~~section~~sections 15.1-02-04, 15.1-13-35.1, and 15.1-32-26 of the North
4 Dakota Century Code, relating to the creation of a dyslexia and literacy task force, reading
5 instruction competency for teacher licensure, and the dyslexia screening and intervention
6 program; to repeal section 15.1-32-25 of the North Dakota Century Code, relating to mandatory
7 dyslexia screening; to provide for a ~~legislative management study;~~ to provide for a legislative
8 ~~management~~ report; and to provide an ~~effective~~expiration date.

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

10 ~~SECTION 1. A new section to chapter 15.1-13 of the North Dakota Century Code is created~~
11 ~~and enacted as follows:~~

12 ~~Teaching license -- Reading instruction competency.~~

13 ~~1. The board shall ensure a candidate for teacher licensure demonstrates competencies~~
14 ~~in beginning reading instruction based on scientifically and research-based best~~
15 ~~practices. Competencies must include the acquisition of knowledge of the essential~~
16 ~~components of beginning reading instruction, including:~~

17 ~~a. Phonemic awareness;~~

18 ~~b. Phonics;~~

19 ~~c. Fluency;~~

20 ~~d. Vocabulary;~~

21 ~~e. Comprehension;~~

22 ~~f. How to assess student reading ability; and~~

23 ~~g. How to identify and correct reading difficulties.~~

1 ~~2. A kindergarten through grade three initial teacher licensure candidate must provide~~
2 ~~evidence that the candidate meets the competency standards of the components~~
3 ~~under subsection 1.~~

4 ~~3. A teacher licensure candidate satisfies the requirements of this section if the candidate~~
5 ~~demonstrates the candidate has received training in competencies related to reading~~
6 ~~instruction from an accredited or approved program, or demonstrates mastery of the~~
7 ~~topics provided under subsection 1. The board may issue a provisional license for up~~
8 ~~to two years to a teacher licensure candidate who does not meet the requirements of~~
9 ~~this section.~~

10 **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-02-04. Superintendent of public instruction - Duties. (Effective through June 30,**
13 **2023)**

14 ~~The superintendent of public instruction:~~

15 ~~1. Shall supervise the provision of elementary and secondary education to the students~~
16 ~~of this state.~~

17 ~~2. Shall supervise the establishment and maintenance of schools and provide advice and~~
18 ~~counsel regarding the welfare of the schools.~~

19 ~~3. Shall supervise the development of course content standards.~~

20 ~~4. Shall supervise the assessment of students.~~

21 ~~5. Shall serve as an ex officio member of the board of university and school lands.~~

22 ~~6. Shall keep a complete record of all official acts and appeals.~~

23 ~~7. As appropriate, shall determine the outcome of appeals regarding education matters.~~

24 ~~8. Shall direct school district annexation, reorganization, and dissolution and employ and~~
25 ~~compensate personnel necessary to enable the state board of public school education~~
26 ~~to carry out its powers and duties regarding school district annexation, reorganization,~~
27 ~~and dissolution.~~

28 ~~9. Shall facilitate a process to review and update annually the statewide prekindergarten~~
29 ~~through grade twelve education strategic vision. The process must include input and~~
30 ~~participation from a steering committee that includes representatives of all state-level~~
31 ~~entities receiving state education funding and education stakeholder groups. Each~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

~~steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.~~

~~10. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.~~

~~11. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.~~

~~12. Shall collaborate with workforce development stakeholders and the kindergarten through grade twelve education coordination council to determine how best to integrate computer science and cybersecurity into elementary, middle, and high school curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the superintendent shall provide a report to the legislative management regarding the outcome of this collaboration.~~

~~**Superintendent of public instruction – Duties. (Effective after June 30, 2023)**~~

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.

- 1 8. Shall direct school district annexation, reorganization, and dissolution and employ and
2 compensate personnel necessary to enable the state board of public school education
3 to carry out its powers and duties regarding school district annexation, reorganization,
4 and dissolution.
- 5 9. Shall facilitate a process to review and update annually the statewide prekindergarten
6 through grade twelve education strategic vision. The process must include input and
7 participation from a steering committee that includes representatives of all state-level
8 entities receiving state education funding and education stakeholder groups. Each
9 steering committee member entity receiving state education funds shall provide
10 components of the entity's strategic plan which are aligned to the statewide strategic
11 vision. The steering committee shall prepare a collaborative report of the strategic
12 plans of each committee member entity receiving state education funds. The
13 superintendent shall provide the collaborative report and any updates to the strategic
14 vision to the legislative management during each interim and to a joint meeting of the
15 education standing committees during each regular legislative session.
- 16 10. Shall facilitate the development and implementation of a North Dakota learning
17 continuum in collaboration with the department of career and technical education,
18 upon the recommendation of the kindergarten through grade twelve education
19 coordination council.
- 20 11. Shall appoint a task force consisting of nine members to review all statutes in this
21 code relating to literacy, dyslexia, and related teacher training and report the findings
22 and recommendations of the task force, together with any legislation necessary to
23 implement the recommendations, to the sixty-ninth legislative assembly. The task
24 force must include:
 - 25 a. The superintendent of public instruction or the superintendent's designee;
 - 26 b. A teacher teaching a grade from prekindergarten through third grade;
 - 27 c. A representative from a state-approved teacher preparation program;
 - 28 d. A school administrator from a school district with three hundred or more high
29 school students;
 - 30 e. A school administrator from a school district with fewer than three hundred high
31 school students;

1 f. An elementary school principal;

2 g. A representative from the governor's office; and

3 h. Two members of the legislative assembly, one from each house.

4 **SECTION 2. AMENDMENT.** Section 15.1-13-35.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-13-35.1. Teaching license - Reading instruction competency.**

- 7 1. The board shall ensure a candidate for teacher licensure who will be certified in
8 prekindergarten through grade three demonstrates competencies in beginning reading
9 instruction based on scientifically and research-based best practices. Competencies
10 must include the acquisition of knowledge of the essential components of beginning
11 reading instruction, including:
- 12 a. Phonemic awareness;
 - 13 b. Phonics;
 - 14 c. Fluency;
 - 15 d. Vocabulary;
 - 16 e. Comprehension;
 - 17 f. How to assess student reading ability; and
 - 18 g. How to identify and correct reading difficulties.
- 19 2. A prekindergarten, kindergarten, elementary, and special education initial teacher
20 licensure candidate must provide evidence that the candidate meets the competency
21 standards of the components under subsection 1.
- 22 3. A prekindergarten through grade ~~twelve and a secondary education~~three initial teacher
23 licensure candidate must provide evidence that the candidate meets the competency
24 standards of the components under subsection 1.
- 25 4. A teacher licensure candidate satisfies the requirements of this section if the candidate
26 demonstrates the candidate has received training in competencies related to reading
27 instruction from an accredited or approved program, or demonstrates mastery of the
28 topics provided under subsection 1. The board may issue a provisional license for up
29 to two years to a teacher licensure candidate who does not meet the requirements of
30 this section.

1 **SECTION 3. AMENDMENT.** Section 15.1-32-26 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-32-26. Dyslexia screening and intervention –~~Pilot program~~ - Report to legislative**
4 **management - Professional development.**

5 1. For purposes of this section:

6 a. "Dyslexia" means a specific learning disability that is ~~neurological~~neurobiological
7 in origin and characterized by difficulties with accurate or fluent recognition of
8 words and poor spelling and decoding abilities, independent of the individual's
9 general intelligence level.

10 b. "Specialist trained in dyslexia characteristics" means an individual who:

11 (1) Has expertise providing training in phonological and phonemic awareness,
12 sound and symbol relationships, alphabet knowledge, rapid naming skills,
13 and encoding and decoding skills; and

14 (2) ~~Is fluent in the dyslexia intervention process; and~~

15 (3) Has training in identifying dyslexia characteristics and intervention
16 processes from an approved provider on a list maintained by the
17 superintendent of public instruction.

18 2. ~~Beginning with the 2019-20 school year and continuing through the 2022-23 school~~
19 ~~year, the~~The superintendent of public instruction shall establish and operate a pilot
20 ~~program to provide~~ guidance and recommendations regarding proven strategies ~~and in~~
21 ~~early screening and intervention services for children with risk factors for dyslexia~~
22 ~~characteristics, including low phonemic awareness.~~

23 3. ~~To be eligible to participate in the program, a~~Each school district, ~~regional education~~
24 ~~association, or special education unit must submit an application to the superintendent~~
25 ~~which shall:~~

26 a. ~~Identifies a method of screening children for low phonemic awareness and other~~
27 ~~risk factors for dyslexia;~~

28 b. ~~Provides for the enrollment of children identified as having risk factors for~~
29 ~~dyslexia in a reading program staffed by specialists trained in dyslexia and~~
30 ~~multisensory structured language programs; and~~

Sixty-eighth
Legislative Assembly

- 1 e. ~~Includes a methodology for evaluating the effects of the reading program on the~~
2 ~~identified risk factors of the child.~~
- 3 4. ~~Each grantee selected to participate in the program shall:~~
- 4 a. ~~Provide low phonemic awareness and other dyslexia risk factor screenings for~~
5 ~~children under seven years of age through a reading program established under~~
6 ~~subsection 3; For enrolled children seven years of age and younger, provide a~~
7 ~~universal screening for dyslexia including core components of phonemic~~
8 ~~awareness, decoding, and spelling, which must be approved by the~~
9 ~~superintendent of public instruction and which must be developed and overseen~~
10 ~~by a specialist trained in dyslexia characteristics;~~
- 11 b. ~~Include a process to further evaluate identified risk factors;~~
- 12 c. ~~Describe the intervention services for the identified dyslexia risk factors;~~
- 13 ~~b.d.~~ ~~Provide reading intervention services to students identified as having~~
14 ~~dyslexia with dyslexia characteristics;~~
- 15 e.e. ~~Administer assessments, approved by the superintendent of public instruction, to~~
16 ~~determine the effectiveness of the ~~program~~intervention services in improving the~~
17 ~~reading and learning skills of children enrolled in the program~~~~the child;~~ and
- 18 ~~d.f.~~ ~~Provide professional development on dyslexia identification~~~~characteristics~~ and
19 ~~interventions to grant participants~~~~kindergarten through grade three personnel of~~
20 ~~the school district and special education unit. Professional development must~~
21 ~~meet the requirements for continuing education credits for license renewal.~~
- 22 4. ~~A school district or special education unit shall provide an assessment under~~
23 ~~subdivision a of subsection 3 upon request by a parent, legal guardian, or teacher.~~
- 24 5. ~~The board of each participating grantee shall report annually to the superintendent of~~
25 ~~public instruction regarding the operation, results, and effectiveness of the pilot~~
26 ~~program in a manner prescribed by the superintendent. Before July 1, 2021~~~~2024,~~ the
27 superintendent of public instruction shall ~~compile the information and~~~~provide a~~ report
28 to the legislative management ~~with a recommendation whether to continue the pilot~~
29 ~~program beyond the 2022-23 school year~~~~regarding dyslexia screening and~~
30 ~~intervention under this section.~~

31 **SECTION 4. REPEAL.** Section 15.1-32-25 of the North Dakota Century Code is repealed.

1 ~~— SECTION 3. LEGISLATIVE MANAGEMENT STUDY— LITERACY AND DYSLEXIA—~~
2 ~~STATUTORY REVIEW. During the 2023-24 interim, the legislative management shall consider~~
3 ~~studying provisions of the North Dakota Century Code relating to literacy, dyslexia, and related~~
4 ~~teacher training. The study must include a review of the pilot program established under section~~
5 ~~15.1-32-36. The legislative management shall report its findings and recommendations,~~
6 ~~together with any legislation necessary to implement the recommendations, to the sixty-ninth~~
7 ~~legislative assembly.~~

8 ~~— SECTION 5. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1,~~
9 ~~2025.~~

10 **SECTION 5. EXPIRATION DATE.** Section 1 of this Act is effective through December 31,
11 2024, and after that date is ineffective.

AMENDMENT SB2284

APPROPRIATION - SUPERINTENDENT 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 superintendent 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 at or below two hundred percent of federal poverty level enrolled in public schools, 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.

23.0697.03002
Title

Prepared by the Legislative Council staff for
Representative Richter
March 2, 2023

SB 2084
3/13/23 PM
Richter

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, replace the first comma with "and 15.1-01-03,"

Page 1, line 4, after the second comma insert "a policy to revert a reorganized school district back to separate districts,"

Page 3, after line 5, insert:

"SECTION 2. 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 the 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 or town. 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."

Page 21, line 5, replace "2023-25" with "2023-24"

SB 2284
3/28/23 5PM
HEDU Schreiber-
Beck

SB 2284 – amendment for Rep. Schreiber-Beck

HEADING: School Choice Model Task Force

ESTABLISHMENT: During the 2023-24 interim, legislative management shall establish and provide staffing and administrative services to a school choice model task force. The establishment of the task force shall be facilitated by a nonpartisan leadership organization. The task force may include public and nonpublic school administrators or teachers, members of the legislative assembly, parents of school age children, representatives from the North Dakota Department of Public Instruction, a representative from North Dakota governor's office, a representative from regional education association and any additional representative(s) determined by the facilitator.

OBJECTIVE: During the 2023-24 interim, the school choice model task force shall:

- a. Review regulations and accountability by state regulatory agencies in school choice models;
- b. Identify the impact of school choice models in a rural state;
- c. Identify other rural states who have implemented non-traditional school models;
- d. Study the fiscal impact of enrollment fluctuation on the possible savings on K-12 public school funding formula;
- e. Review the operational aspects of high school coursework (including CTE, CDE, choice-ready, etc.) in other rural states and in North Dakota;
- f. Assess equity for rural school districts in school choice models;
- g. Study current student population in conjunction with capacity of nonpublic schools, service to students with special needs, and tuition costs;
- h. Study school choice models across U.S. K-12 systems, but not limited only to charter schools, magnet schools, voucher systems, and educational savings accounts;
- i. Review comparisons of academic and non-academic achievement between other states (public vs. charter; public vs. magnet; money follows the student, impact of vouchers, etc.

REPORT: The school choice task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

23.0697.03011
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, after "15.1-01-01" insert "and 15.1-02-04,"

Page 1, line 4, after the second comma insert "duties of the superintendent,"

Page 1, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to provide an expiration date"

Page 3, after line 5, insert:

"SECTION 2. AMENDMENT. Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-04. Superintendent of public instruction - Duties. (Effective through June 30, 2023)

The superintendent of public instruction:

1. ~~Shall supervise the provision of elementary and secondary education to the students of this state.~~
2. ~~Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.~~
3. ~~Shall supervise the development of course content standards.~~
4. ~~Shall supervise the assessment of students.~~
5. ~~Shall serve as an ex officio member of the board of university and school lands.~~
6. ~~Shall keep a complete record of all official acts and appeals.~~
7. ~~As appropriate, shall determine the outcome of appeals regarding education matters.~~
8. ~~Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.~~
9. ~~Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide~~

~~strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.~~

- ~~10. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.~~
- ~~11. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.~~
- ~~12. Shall collaborate with workforce development stakeholders and the kindergarten through grade twelve education coordination council to determine how best to integrate computer science and cybersecurity into elementary, middle, and high school curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the superintendent shall provide a report to the legislative management regarding the outcome of this collaboration.~~

Superintendent of public instruction – Duties. (Effective after June 30, 2023)

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee

that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.
11. Shall appoint a task force to:
 - a. Research the history of the number of school districts and student population in the state;
 - b. Research the history of school district administration and governance in the state;
 - c. Research historical state legislative attempts to make school districts more efficient, particularly as the legislation relates to school administration;
 - d. Compare administrator cost per student across the state and with the national average;
 - e. Examine other states' requirements for local educational agencies to have a minimum school enrollment or to share administrative leaders; and
 - f. Examine other states that have countywide administration.

The task force shall report the findings and recommendations of the task force, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly. The task force may include members of the kindergarten through grade twelve education coordination council, members of the boards of county commissions, teachers, administrative leaders, and members of the legislative assembly."

Page 21, line 5, replace "2023-25" with "2023-24"

Page 22, line 1, replace "10" with "11"

Page 22, line 8, replace "5" with "6"

Page 22, after line 8, insert:

"SECTION 15. EXPIRATION DATE. Section 2 of this Act is effective through December 31, 2024, and after that date is ineffective."

Renumber accordingly

23.0697.03010
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district financial operations plans; to"

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, after "15.1-01-01" insert "and 15.1-07-26"

Page 1, line 4, after the second comma insert "school district enrollment,"

Page 1, line 7, after the first "provide" insert "for"

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

Page 1, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to provide for an expiration date"

Page 3, after line 5, insert:

"SECTION 2. 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 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. Cocurricular or extracurricular programs;
 - d. Facility needs and utilization; and
 - ~~d.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~~submit the report to the superintendent of public instruction, make the report available on the school district website, and make the report available upon request.

3. If the report under subsection 2 is not received by the superintendent of public instruction by August first of each even-numbered year, the superintendent of public instruction shall withhold state aid payments to the school district until the report is received.
4. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly.

SECTION 3. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts affected by the elimination of transition minimum adjustment - Financial operation plan - Report.

1. The board of a school district receiving reduced state aid as a result of the phased elimination of transition minimum adjustments under section 15.1-27-04.1 shall provide to the superintendent of public instruction a financial operation plan addressing the potential effects of the reduction in state aid on the district for the ensuing three-year and five-year periods. The plan shall include the projected:
 - a. Student enrollment;
 - b. Per student funding amount;
 - c. Amount of the reduction in the total formula amount related to the elimination of the transition minimum adjustment;
 - d. Staffing adjustments;
 - e. Facility maintenance costs;
 - f. Ending fund balance; and
 - g. Academic, cocurricular, or extracurricular program reductions.
2. If the plan under subsection 1 is not received by the superintendent of public instruction by August first of each even-numbered year, the superintendent of public instruction shall withhold state aid payments to the school district until the plan is received. The superintendent of public instruction shall provide the district plan to the legislative management by September first of each even-numbered year.
3. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly."

Add "transportation costs"

Page 21, line 5, replace "2023-25" with "2023-24"

Page 22, line 1, replace "10" with "12"

Page 22, line 8, replace "5" with "7"

Page 22, after line 8, insert:

"SECTION 16. EXPIRATION DATE. Section 3 of this Act is effective through December 31, 2028, and after that date is ineffective."

Renumber accordingly

23.0697.03006
CHANGED.

SECTION 2. AMENDMENT. Subsection 3 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1. A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 15.1-07-25.4, provided that no more than eighteen hours for elementary schools or twenty-one hours for high school is because of weather cancellations.

SECTION 10. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing virtual instruction under section 15.1-06-04, provided that no more than eighteen hours for elementary schools or twenty-one hours for high school is because of weather cancellations.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.

+ WHAT WAS LISTED AS SECTION 3 AMENDMENT - 15.1-07-25.4
VIRTUAL LEARNING SCHOOL DISTRICT POLICY.

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

- Page 1, line 1, after the first comma insert "subsection 3 of section 15.1-06-04, section 15.1-07-25.4,"
- Page 1, line 3, replace the first "section" with "sections"
- Page 1, line 3, after "15.1-27-04.1" insert "and 15.1-27-23"
- Page 1, line 4, after the second comma insert "virtual learning,"
- Page 1, line 7, after "a" insert "legislative management"
- Page 3, after line 5, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

- 3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1. A school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction pursuant to section 15.1-07-25.4.

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 and 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 under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. 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, the district shall provide the annual report required under this section for the district's comparison data.

Page 20, after line 13, insert:

"SECTION 10. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction under section 15.1-06-04.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part."

Page 21, line 5, replace "2023-25" with "2023-24"

Page 22, line 1, replace "10" with "12"

Page 22, line 8, replace "5" with "7"

Renumber accordingly

SB 2284
3/28/23 5PM
Schreiber-Beck

23.0697.03003 ✓
Title.

Prepared by the Legislative Council staff for HEDU
Representative Schreiber-Beck
March 8, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 21, after line 23, insert:

"SECTION 11. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - HIGHER EDUCATION READING PROGRAM. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of establishing a reading program for higher education for two years by providing a learning platform approved by the superintendent of public instruction to approximately twenty-five higher education instructors or professors, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 12. 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 13. 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 22, after line 2, insert:

"SECTION 15. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$887,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding a higher education reading program, training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers as appropriated in sections 11, 12, and 13 of this Act."

Renumber accordingly

23.0697.03024
Title.

Prepared by the Legislative Council staff for
Representative Heinert
March 29, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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 the first "section" with "sections"

Page 1, line 1, replace "15.1-01-01" with "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 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert ", 15.1-36-02, and 15.1-36-04"

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 "teacher"" 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 6, after "maximums" insert ", loans from the coal development trust fund, evidences of indebtedness"

Page 1, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to declare an emergency"

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 under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. 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, the district shall provide the annual report required under this section for the district's comparison data.

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 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
 - d.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~~submit the report to the superintendent of public instruction, make the report available on the district website, and make the report available upon request.
3. If the report under subsection 2 is not received by the superintendent of public instruction by August first of each even-numbered year, the superintendent of public instruction shall withhold state aid payments to the school district until the report is received.

4. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly."

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 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 school district shall permit private tutors to provide tutoring services on school premises.

SECTION 13. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, or an emergency repair or situation, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order ~~the~~ the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.
 - a. For a loan made under this section:

- a. (1) The minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is ~~two~~five million dollars;
 - b. (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - e. (3) The interest rate of the loan may not exceed two percent per year.
- b. For a loan made under this section which includes additional expenses due to unanticipated construction inflation:
- (1) The unanticipated construction inflation must have occurred for a construction project bid after January 1, 2021, and before June 30, 2024;
 - (2) The maximum loan amount for which a school district may qualify is five million dollars;
 - (3) The interest rate on the loan may not exceed two percent per year;
 - (4) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - (5) The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating ~~that~~ the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require ~~that~~ the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.

6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

SECTION 14. AMENDMENT. Section 15.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-04. Evidences of indebtedness.

The board of a school district may issue and sell evidences of indebtedness under ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the loan amount for which the district is eligible under ~~this chapter~~ chapter 21-03. Evidences of indebtedness issued under this chapter constitute a general obligation of the school district."

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 fifty million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"SECTION 16. 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 17. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE - REPORT TO LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the legislative management shall establish a teacher shortage and military families task force facilitated by the superintendent of public instruction 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 18. 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, after line 23, insert:

SECTION 20. 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 21. 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 22, line 1, replace "10" with "19"

Page 22, after line 2, insert:

"SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$887,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding a higher education reading program, training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers as appropriated in sections 20 and 21 of this Act."

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

Page 22, after line 8 insert:

"SECTION 26. EXPIRATION DATE. Section 13 of this Act is effective through June 30, 2025, and after that date is ineffective.

SECTION 27. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

23.0697.03024

SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 and a new section to
 2 chapter 15.1-32 of the North Dakota Century Code, relating to school purchases of gifts or
 3 gratuities and permitting private tutors on public school premises; to amend and reenact
 4 ~~section~~sections 15.1-01-01, 15.1-01-03, 15.1-07-25.4, and 15.1-07-26, subsection 8 of section
 5 15.1-15-02, ~~subsections~~subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1,
 6 subsection 4 of section 15.1-27-03.2, ~~section~~sections 15.1-27-04.1, 15.1-36-02, and
 7 15.1-36-04, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating
 8 to the state board of public school education members, virtual learning, a policy to revert a
 9 reorganized school district back to separate districts, school district enrollment, the definition of
 10 "probationary teacher", a school district's policy governing possession of a weapon, the
 11 definition of "dangerous weapon", modification of weighting factors and transition maximums,
 12 loans from the coal development trust fund, evidences of indebtedness, and an increase in per
 13 student payments; to provide for a legislative management study; to provide a report; to provide
 14 an appropriation; to provide for an exemption; to provide for a transfer; ~~and~~ to provide an
 15 effective date; and to declare an emergency.

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

17 ~~SECTION 1. AMENDMENT. Section 15.1-01-01 of the North Dakota Century Code is~~
 18 ~~amended and reenacted as follows:~~
 19 ~~15.1-01-01. State board of public school education—Composition:~~
 20 ~~1. The state board of public school education consists of the superintendent of public~~
 21 ~~instruction and:~~
 22 ~~a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
 23 ~~and Traill Counties legislative districts ten, eleven, thirteen, sixteen, twenty one,~~
 24 ~~forty one, forty four, and forty six;~~

Sixty-eighth
Legislative Assembly

- 1 ~~_____ b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,~~
2 ~~_____ Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties legislative districts~~
3 ~~_____ nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty three;~~
4 ~~_____ c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,~~
5 ~~_____ Ransom, Richland, and Sargent Counties legislative districts twelve, twenty two,~~
6 ~~_____ twenty four, twenty five, twenty seven, twenty eight, twenty nine, and forty five;~~
7 ~~_____ d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,~~
8 ~~_____ Stutsman, and Wells Counties legislative districts seven, eight, thirty, thirty one,~~
9 ~~_____ thirty two, thirty four, thirty five, and forty seven;~~
10 ~~_____ e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and~~
11 ~~_____ Williams Counties legislative districts three, four, five, six, fourteen, thirty three,~~
12 ~~_____ thirty eight, and forty; and~~
13 ~~_____ f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant,~~
14 ~~_____ Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties legislative~~
15 ~~_____ districts one, two, twenty three, twenty six, thirty six, thirty seven, and thirty nine.~~
16 ~~_____ 2. All board members other than the superintendent of public instruction must be~~
17 ~~_____ qualified electors and must reside in one of the counties districts they represent.~~
18 ~~_____ 3. The governor shall appoint new board members from a list of three names submitted~~
19 ~~_____ by a committee consisting of the president of North Dakota united or the president's~~
20 ~~_____ designee, the president of the North Dakota council of educational leaders or the~~
21 ~~_____ president's designee, and the president of the North Dakota school boards association~~
22 ~~_____ or the president's designee. Two of the state board members must be members of the~~
23 ~~_____ North Dakota school boards association. Two of the state board members must be~~
24 ~~_____ employed by a North Dakota school district and be active members of the North~~
25 ~~_____ Dakota association of school administrators.~~
26 ~~_____ 4. Appointees serve for six-year terms, staggered so that the terms of two members~~
27 ~~_____ expire on June thirtieth of each even-numbered year.~~
28 ~~_____ 5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration~~
29 ~~_____ of the unexpired term.~~
30 ~~_____ 6. Each member of the board is entitled to receive, from the biennial appropriation for the~~
31 ~~_____ superintendent of public instruction, compensation in the amount of sixty two dollars~~

1 ~~and fifty cents per day and reimbursement for expenses, as provided by law for state-~~
2 ~~officers, if the member is attending board meetings or performing duties directed by-~~
3 ~~the board. The compensation provided for in this section may not be paid to any-~~
4 ~~member who receives a salary or other compensation as an employee or official of-~~
5 ~~this state if the individual is serving on the board by virtue of the individual's state-~~
6 ~~office or state employment.~~

7 ~~7. The superintendent of public instruction shall serve as the executive director and-~~
8 ~~secretary of the board. The superintendent shall call meetings as necessary, carry out-~~
9 ~~the policies of the board, and employ personnel necessary to perform the board's-~~
10 ~~duties.~~

11 ~~8. The board shall annually elect one member to serve as the chairman.~~

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

14 **15.1-01-03. State board of public school education - Powers and duties.**

- 15 1. The state board of public school education shall:
- 16 a. Assist county committees in carrying out their duties.
 - 17 b. Provide county committees with clerical assistance, plans of procedure,
18 standards, data, maps, forms, and other materials, information, and services.
 - 19 c. Appoint members to the county committee, if the county superintendent does not
20 fulfill this duty, as provided for in section 15.1-10-01.
 - 21 d. Provide oversight for regional education associations as required by chapter
22 15.1-09.1.
 - 23 e. Establish and certify a North Dakota learning continuum to allow a
24 district-approved, mastery framework policy to award units required under
25 sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time
26 requirements under section 15.1-21-03, upon the recommendation of the
27 kindergarten through grade twelve education coordination council.
 - 28 f. Develop a policy and procedures for a school district formed by the
29 reorganization process under chapter 15.1-12 to revert to individual school
30 districts. For a reorganized school district to be eligible for the reversion process,
31 the reorganized school district must have been formed by school districts located

1 in two or more communities, including a rural community, and may not have been
2 formed by school districts that were located in the same city. The board shall
3 develop the policy and procedures on or before January 1, 2024.

- 4 2. The state board of public school education may adopt rules in accordance with
5 chapter 28-32.

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

8 **Purchase of gifts or gratuities - Gift fund.**

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

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

27 **15.1-07-25.4. Virtual learning - School district policy - Report to legislative**
28 **management and legislative assembly.**

29 The board of a school district or governing board of a nonpublic school that operates a
30 physical school plant may adopt a policy to allow students to engage in virtual instruction and in
31 the case of a school district, qualify for average daily membership in the district. The

1 superintendent of public instruction shall adopt rules governing policies under this section. A
2 policy adopted by a school district under this section must comply with the rules adopted by the
3 superintendent of public instruction. The superintendent of public instruction shall provide
4 ~~biennial reports~~ an annual report to the legislative management ~~regarding~~ in even-numbered
5 years and the legislative assembly in odd-numbered years comparing the academic
6 performance ~~metries~~ of students participating in virtual instruction with students not participating
7 in virtual instruction under this section using the statewide prekindergarten through grade twelve
8 strategic vision framework goals. If the superintendent of public instruction does not have
9 access to academic performance reports of a school district's virtual instruction subgroup
10 because of low group size, the district shall provide the annual report required under this
11 section for the district's comparison data.

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

14 **15.1-07-26. School district ~~demographics~~ enrollment - ~~Long-term planning~~**
15 **~~process~~ Review - Report.**

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

- 1 3. If the report under subsection 2 is not received by the superintendent of public
2 instruction by August first of each even-numbered year, the superintendent of public
3 instruction shall withhold state aid payments to the school district until the report is
4 received.
- 5 4. The superintendent of public instruction shall provide an aggregate report on these
6 plans to the legislative assembly.

7 **SECTION 5. AMENDMENT.** Subsection 8 of section 15.1-15-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 8. For purposes of this section, "probationary teacher" means an individual teaching for
10 less than two years in the school district.

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

- 13 2. The policy must ~~prohibit~~:

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

1 **SECTION 7. AMENDMENT.** Subsection 6 of section 15.1-19-10 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 6. For purposes of this section:

4 a. "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

5 b. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
6 18 U.S.C. 921].

7 b.c. "School property" includes all land within the perimeter of the school site and all
8 school buildings, structures, facilities, and school vehicles, whether owned or
9 leased by a school district, and the site of any school-sponsored event or activity.

10 ~~c. "Weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto,~~
11 ~~sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any~~
12 ~~throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,~~
13 ~~bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and~~
14 ~~arrow, crossbow, or spear; any weapon that will expel, or is readily capable of~~
15 ~~expelling, a projectile by the action of a spring, compressed air, or compressed~~
16 ~~gas, including any such weapon, loaded or unloaded, commonly referred to as a~~
17 ~~BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object~~
18 ~~containing or capable of producing and emitting any noxious liquid, gas, or~~
19 ~~substance. The term does not include a spray or aerosol containing CS, also~~
20 ~~known as ortho-chlorobenzamalonitrile; CN, also known as alpha-~~
21 ~~chloroacetophenone; or other irritating agent intended for use in the defense of~~
22 ~~an individual, nor does the term include a device that uses voltage for the~~
23 ~~defense of an individual, unless the device uses a projectile and voltage or the~~
24 ~~device uses a projectile and may be used to apply multiple applications of voltage~~
25 ~~during a single incident, then the term includes the device for an individual who is~~
26 ~~prohibited from possessing a firearm under this title.~~

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

29 **15.1-27-03.1. Weighted average daily membership - Determination.**

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

Sixty-eighth
Legislative Assembly

- 1 a. 1.00 the number of full-time equivalent students enrolled in an extended
- 2 educational program in accordance with section 15.1-32-17;
- 3 b. 0.60 the number of full-time equivalent students enrolled in a summer education
- 4 program, including a migrant summer education program;
- 5 c. 0.40 the number of full-time equivalent students who:
- 6 (1) On a test of English language proficiency approved by the superintendent of
- 7 public instruction are determined to be least proficient and placed in the first
- 8 of six categories of proficiency; and
- 9 (2) Are enrolled in a program of instruction for English language learners;
- 10 d. 0.28 the number of full-time equivalent students who:
- 11 (1) On a test of English language proficiency approved by the superintendent of
- 12 public instruction are determined to be more proficient than students placed
- 13 in the first of six categories of proficiency and therefore placed in the second
- 14 of six categories of proficiency; and
- 15 (2) Are enrolled in a program of instruction for English language learners;
- 16 e. 0.25 the number of full-time equivalent students under the age of twenty-one
- 17 enrolled in grades nine through twelve in an alternative high school;
- 18 f. 0.20 the number of full-time equivalent students enrolled in a home-based
- 19 education program and monitored by the school district under chapter 15.1-23;
- 20 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
- 21 special education program;
- 22 h. 0.15 the number of full-time equivalent students in grades six through eight
- 23 enrolled in an alternative education program for at least an average of fifteen
- 24 hours per week;
- 25 i. 0.10 the number of students enrolled in average daily membership, if the district
- 26 has fewer than one hundred students enrolled in average daily membership and
- 27 the district consists of an area greater than two hundred seventy-five square
- 28 miles [19424.9 hectares], provided that any school district consisting of an area
- 29 greater than six hundred square miles [155399 hectares] and enrolling fewer than
- 30 fifty students in average daily membership must be deemed to have an
- 31 enrollment equal to fifty students in average daily membership;

- 1 j. ~~0.082~~0.088 the number of students enrolled in average daily membership, in
2 order to support the provision of special education services;
- 3 k. 0.07 the number of full-time equivalent students who:
- 4 (1) On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be more proficient than students placed
6 in the second of six categories of proficiency and therefore placed in the
7 third of six categories of proficiency;
- 8 (2) Are enrolled in a program of instruction for English language learners; and
- 9 (3) Have not been in the third of six categories of proficiency for more than
10 three years;
- 11 l. 0.025 the number of students representing that percentage of the total number of
12 students in average daily membership which is equivalent to the three-year
13 average percentage of students in grades three through eight who are eligible for
14 free or reduced lunches under the Richard B. Russell National School Lunch Act
15 [42 U.S.C. 1751 et seq.];
- 16 m. 0.002 the number of students enrolled in average daily membership in a school
17 district that is a participating member of a regional education association meeting
18 the requirements of chapter 15.1-09.1;
- 19 n. ~~0.60~~1.0 the number of students by which the district's September tenth
20 enrollment report, adjusted for students that will generate average daily
21 membership, exceeds the number of students in the prior year's average daily
22 membership ~~increasing the factor annually by 0.10, not to exceed 1.00~~; and
- 23 o. For districts paid based on September tenth enrollment in the prior year, ~~0.50~~0.70
24 the number of students determined by deducting the number of students in the
25 prior year's September tenth enrollment, adjusted for students that will generate
26 average daily membership, from the prior year's average daily membership,
27 increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's
28 September tenth enrollment exceeds the prior year's average daily membership,
29 then a deduction of 0.50 the number of excess students, increasing the factor
30 annually by 0.10, not to exceed 1.00.

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

4 **SECTION 9. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the
5 North Dakota Century Code is amended and reenacted as follows:

- 6 o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00
7 the number of students determined by deducting the number of students in the
8 prior year's September tenth enrollment, adjusted for students that will generate
9 average daily membership, from the prior year's average daily membership,
10 ~~increasing the factor annually by 0.10, not to exceed 1.00.~~ If the prior year's
11 September tenth enrollment exceeds the prior year's average daily membership,
12 then a deduction of ~~0.50~~1.00 the number of excess students, ~~increasing the~~
13 ~~factor annually by 0.10, not to exceed 1.00.~~

14 **SECTION 10. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 4. The school district size weighting factor determined under this section and multiplied
17 by a school district's weighted average daily membership equals the district's weighted
18 student units. ~~For the 2022-23 school year, for school districts that operate multiple-~~
19 ~~kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers]~~
20 ~~apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no~~
21 ~~replicated grades, the superintendent of public instruction shall determine the school~~
22 ~~size weighting factor for each building separately. The superintendent of public~~
23 ~~instruction shall multiply the school size weighting factor for each building by the~~
24 ~~school district's weighted average daily membership to determine each building's~~
25 ~~weighted student units. The superintendent of public instruction shall combine the~~
26 ~~weighted student units of all buildings in the school district to determine the school~~
27 ~~district's weighted student units.~~

28 **SECTION 11. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
2 **through June 30, 2025)**

- 3 1. To determine the amount of state aid payable to each district, the superintendent of
4 public instruction shall establish each district's baseline funding. A district's baseline
5 funding consists of:
- 6 a. All state aid received by the district in accordance with chapter 15.1-27 during the
7 2018-19 school year;
 - 8 b. An amount equal to the property tax deducted by the superintendent of public
9 instruction to determine the 2018-19 state aid payment;
 - 10 c. An amount equal to seventy-five percent of the revenue received by the school
11 district during the 2017-18 school year for the following revenue types:
 - 12 (1) Revenue reported under code 2000 of the North Dakota school district
13 financial accounting and reporting manual, as developed by the
14 superintendent of public instruction in accordance with section 15.1-02-08;
 - 15 (2) Mineral revenue received by the school district through direct allocation from
16 the state treasurer and not reported under code 2000 of the North Dakota
17 school district financial accounting and reporting manual, as developed by
18 the superintendent of public instruction in accordance with section
19 15.1-02-08;
 - 20 (3) Tuition reported under code 1300 of the North Dakota school district
21 financial accounting and reporting manual, as developed by the
22 superintendent of public instruction in accordance with section 15.1-02-08,
23 with the exception of revenue received specifically for the operation of an
24 educational program provided at a residential treatment facility, tuition
25 received for the provision of an adult farm management program, and
26 beginning in the 2021-22 school year, seventeen percent of tuition received
27 under an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid, and an
29 additional seventeen percent of tuition received under an agreement to
30 educate students from a school district on an air force base with funding
31 received through federal impact aid each school year thereafter, until the

- 1 2024-25 school year when sixty-eight percent of tuition received under an
2 agreement to educate students from a school district on an air force base
3 with funding received through federal impact aid must be excluded from the
4 tuition calculation under this paragraph;
- 5 (4) Revenue from payments in lieu of taxes on the distribution and transmission
6 of electric power;
- 7 (5) Revenue from payments in lieu of taxes on electricity generated from
8 sources other than coal; and
- 9 (6) Revenue from the leasing of land acquired by the United States for which
10 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 11 d. An amount equal to the total revenue received by the school district during the
12 2017-18 school year for the following revenue types:
- 13 (1) Mobile home tax revenue;
- 14 (2) Telecommunications tax revenue; and
- 15 (3) Revenue from payments in lieu of taxes and state reimbursement of the
16 homestead credit and disabled veterans credit; and
- 17 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
18 baseline funding for any school district that becomes an elementary district
19 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
20 be proportional to the number of weighted student units in the grades that are
21 offered through another school district relative to the total number of weighted
22 student units the school district offered in the year before the school district
23 became an elementary district. The reduced baseline funding applies to the
24 calculation of state aid for the first school year in which the school district
25 becomes an elementary district and for each year thereafter. For districts that
26 become an elementary district prior to the 2020-21 school year, the
27 superintendent shall use the reduced baseline funding to calculate state aid for
28 the 2020-21 school year and for each year thereafter.
- 29 2. a. The superintendent shall divide the district's baseline funding determined in
30 subsection 1 by the district's 2017-18 weighted student units to determine the
31 district's baseline funding per weighted student unit.

- 1 b. For any school district that becomes an elementary district pursuant to section
2 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
3 district's baseline funding per weighted student unit used to calculate state aid.
4 The superintendent shall divide the district's baseline funding determined in
5 subsection 1 by the district's weighted student units after the school district
6 becomes an elementary district to determine the district's adjusted baseline
7 funding per weighted student unit. The superintendent shall use the district's
8 adjusted baseline funding per weighted student unit in the calculation of state aid
9 for the first school year in which the school district becomes an elementary
10 district and for each year thereafter.
- 11 c. Beginning with the 2021-22 school year and for each school year thereafter, the
12 superintendent shall reduce the district's baseline funding per weighted student
13 unit. Each year the superintendent shall calculate the amount by which the
14 district's baseline funding per weighted student unit exceeds the payment per
15 weighted student unit provided in subsection 3. The superintendent shall reduce
16 the district's baseline funding per weighted student unit by fifteen percent of the
17 amount by which the district's baseline funding per weighted student unit exceeds
18 the payment per weighted student unit for the 2021-22 school year. For each
19 year thereafter, the reduction percentage is increased by an additional fifteen
20 percent. However, the district's baseline funding per weighted student unit, after
21 the reduction, may not be less than the payment per weighted student unit
22 provided in subsection 3.
- 23 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
24 as the greater of:
- 25 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
26 ~~thirty six~~ five hundred forty four ~~ninety-five~~ dollars;
- 27 (2) One hundred two percent of the district's baseline funding per weighted
28 student unit, as established in subsection 2, multiplied by the district's
29 weighted student units, not to exceed the district's 2017-18 baseline
30 weighted student units, plus any weighted student units in excess of the

- 1 2017-18 baseline weighted student units multiplied by ten thousand
2 ~~one hundred thirty-six~~ five hundred ~~forty-four~~ ninety-five dollars; or
- 3 (3) The district's baseline funding as established in subsection 1 less the
4 amount in paragraph 1, with the difference reduced by fifteen percent and
5 then the difference added to the amount determined in paragraph 1.
- 6 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
7 superintendent shall calculate state aid as the greater of:
- 8 (1) The district's weighted student units multiplied by ten thousand ~~two hundred-~~
9 ~~thirty-seven~~ eight hundred sixty-nine hundred thirteen dollars;
- 10 (2) One hundred two percent of the district's baseline funding per weighted
11 student unit, as established in subsection 2, multiplied by the district's
12 weighted student units, not to exceed the district's 2017-18 baseline
13 weighted student units, plus any weighted student units in excess of the
14 2017-18 baseline weighted student units multiplied by ten thousand
15 ~~two hundred thirty-seven~~ eight hundred sixty-nine hundred thirteen dollars; or
- 16 (3) The district's baseline funding as established in subsection 1 less the
17 amount in paragraph 1, with the difference reduced by thirty percent for the
18 2022-23 school year and the reduction percentage increasing by fifteen
19 percent each school year thereafter until the difference is reduced to zero,
20 and then the difference added to the amount determined in paragraph 1.
- 21 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
22 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 23 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred-~~
24 ~~ten percent of the district's baseline funding per weighted student unit, as~~
25 ~~established in subsection 2, multiplied by the district's weighted student~~
26 ~~units from the previous school year.~~
- 27 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred-~~
28 ~~ten percent of the district's baseline funding per weighted student unit, as~~
29 ~~established in subsection 2, multiplied by the district's weighted student~~
30 ~~units from the previous school year.~~

- 1 (3) For the 2023-24 school year, the transition maximum rate is one hundred
2 ten percent of the district's baseline funding per weighted student unit, as
3 established in subsection 2, plus twenty percent of the difference between
4 the rate under paragraph 1 of subdivision b of this subsection and
5 one hundred ten percent of the district's baseline funding per weighted
6 student unit. The transition maximum is determined by multiplying the
7 transition maximum rate, which may not exceed the rate under paragraph 1
8 of subdivision b of this subsection, by the district's weighted student units
9 from the previous school year.
- 10 (4) For the 2024-25 school year, the transition maximum rate is one hundred
11 ten percent of the district's baseline funding per weighted student unit, as
12 established in subsection 2, plus forty percent of the difference between the
13 rate under paragraph 1 of subdivision b of this subsection and one hundred
14 ten percent of the district's baseline funding per weighted student unit. The
15 transition maximum is determined by multiplying the transition maximum
16 rate, which may not exceed the rate under paragraph 1 of subdivision b of
17 this subsection, by the district's weighted student units from the previous
18 school year.
- 19 (5) For the 2025-26 school year, the transition maximum rate is one hundred
20 ten percent of the district's baseline funding per weighted student unit, as
21 established in subsection 2, plus sixty percent of the difference between the
22 rate under paragraph 1 of subdivision b of this subsection and one hundred
23 ten percent of the district's baseline funding per weighted student unit. The
24 transition maximum is determined by multiplying the transition maximum
25 rate, which may not exceed the rate under paragraph 1 of subdivision b of
26 this subsection, by the district's weighted student units from the previous
27 school year.
- 28 (6) For the 2026-27 school year, the transition maximum rate is one hundred
29 ten percent of the district's baseline funding per weighted student unit, as
30 established in subsection 2, plus eighty percent of the difference between
31 the rate under paragraph 1 of subdivision b of this subsection and

1 ~~one hundred ten percent of the district's baseline funding per weighted~~
2 ~~student unit. The transition maximum is determined by multiplying the~~
3 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
4 ~~of subdivision b of this subsection, by the district's weighted student units~~
5 ~~from the previous school year.~~

6 4. After determining the product in accordance with subsection 3, the superintendent of
7 public instruction shall:

8 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
9 school district, except the amount in dollars subtracted for purposes of this
10 subdivision may not exceed the previous year's amount in dollars subtracted for
11 purposes of this subdivision by more than twelve percent, adjusted pursuant to
12 section 15.1-27-04.3; and

13 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
14 subdivisions c and d of subsection 1. Before determining the deduction for
15 seventy-five percent of all revenue types, the superintendent of public instruction
16 shall adjust revenues as follows:

17 (1) Tuition revenue shall be adjusted as follows:

18 (a) In addition to deducting tuition revenue received specifically for the
19 operation of an educational program provided at a residential
20 treatment facility, tuition revenue received for the provision of an adult
21 farm management program, and tuition received under an agreement
22 to educate students from a school district on an air force base with
23 funding received through federal impact aid as directed each school
24 year in paragraph 3 of subdivision c of subsection 1, the
25 superintendent of public instruction also shall reduce the total tuition
26 reported by the school district by the amount of tuition revenue
27 received for the education of students not residing in the state and for
28 which the state has not entered a cross-border education contract;
29 and

30 (b) The superintendent of public instruction also shall reduce the total
31 tuition reported by admitting school districts meeting the requirements

1 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
2 of tuition revenue received for the education of students residing in an
3 adjacent school district.

4 (2) After adjusting tuition revenue as provided in paragraph 1, the
5 superintendent shall reduce all remaining revenues from all revenue types
6 by the percentage of mills levied in ~~2020~~2022 by the school district for
7 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
8 school district for all purposes.

9 5. The amount remaining after the computation required under subsection 4 is the
10 amount of state aid to which a school district is entitled, subject to any other statutory
11 requirements or limitations.

12 6. On or before June thirtieth of each year, the school board shall certify to the
13 superintendent of public instruction the final average daily membership for the current
14 school year.

15 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
16 with the school districts, shall report the following to the superintendent of public
17 instruction on an annual basis:

18 a. The amount of revenue received by each school district in the county during the
19 previous school year for each type of revenue identified in subdivisions c and d of
20 subsection 1;

21 b. The total number of mills levied in the previous calendar year by each school
22 district for all purposes; and

23 c. The number of mills levied in the previous calendar year by each school district
24 for sinking and interest fund purposes.

25 **Baseline funding - Establishment - Determination of state aid. (Effective after**
26 **June 30, 2025)**

27 1. To determine the amount of state aid payable to each district, the superintendent of
28 public instruction shall establish each district's baseline funding. A district's baseline
29 funding consists of:

30 a. All state aid received by the district in accordance with chapter 15.1-27 during the
31 2018-19 school year;

- 1 b. An amount equal to the property tax deducted by the superintendent of public
2 instruction to determine the 2018-19 state aid payment;
- 3 c. An amount equal to seventy-five percent of the revenue received by the school
4 district during the 2017-18 school year for the following revenue types:
- 5 (1) Revenue reported under code 2000 of the North Dakota school district
6 financial accounting and reporting manual, as developed by the
7 superintendent of public instruction in accordance with section 15.1-02-08;
- 8 (2) Mineral revenue received by the school district through direct allocation from
9 the state treasurer and not reported under code 2000 of the North Dakota
10 school district financial accounting and reporting manual, as developed by
11 the superintendent of public instruction in accordance with section
12 15.1-02-08;
- 13 (3) Tuition reported under code 1300 of the North Dakota school district
14 financial accounting and reporting manual, as developed by the
15 superintendent of public instruction in accordance with section 15.1-02-08,
16 with the exception of revenue received specifically for the operation of an
17 educational program provided at a residential treatment facility, tuition
18 received for the provision of an adult farm management program, and
19 beginning in the 2025-26 school year, eighty-five percent of tuition received
20 under an agreement to educate students from a school district on an
21 air force base with funding received through federal impact aid, until the
22 2026-27 school year, and each school year thereafter, when all tuition
23 received under an agreement to educate students from a school district on
24 an air force base with funding received through federal impact aid must be
25 excluded from the tuition calculation under this paragraph;
- 26 (4) Revenue from payments in lieu of taxes on the distribution and transmission
27 of electric power;
- 28 (5) Revenue from payments in lieu of taxes on electricity generated from
29 sources other than coal; and
- 30 (6) Revenue from the leasing of land acquired by the United States for which
31 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and

- 1 d. An amount equal to the total revenue received by the school district during the
2 2017-18 school year for the following revenue types:
- 3 (1) Mobile home tax revenue;
- 4 (2) Telecommunications tax revenue; and
- 5 (3) Revenue from payments in lieu of taxes and state reimbursement of the
6 homestead credit and disabled veterans credit.
- 7 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
8 baseline funding for any school district that becomes an elementary district
9 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
10 be proportional to the number of weighted student units in the grades that are
11 offered through another school district relative to the total number of weighted
12 student units the school district offered in the year before the school district
13 became an elementary district. The reduced baseline funding applies to the
14 calculation of state aid for the first school year in which the school district
15 becomes an elementary district and for each year thereafter. For districts that
16 become an elementary district prior to the 2020-21 school year, the
17 superintendent shall use the reduced baseline funding to calculate state aid for
18 the 2020-21 school year and for each year thereafter.
- 19 2. a. The superintendent shall divide the district's baseline funding determined in
20 subsection 1 by the district's 2017-18 weighted student units to determine the
21 district's baseline funding per weighted student unit.
- 22 b. For any school district that becomes an elementary district pursuant to section
23 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
24 district's baseline funding per weighted student unit used to calculate state aid.
25 The superintendent shall divide the district's baseline funding determined in
26 subsection 1 by the district's weighted student units after the school district
27 becomes an elementary district to determine the district's adjusted baseline
28 funding per weighted student unit. The superintendent shall use the district's
29 adjusted baseline funding per weighted student unit in the calculation of state aid
30 for the first school year in which the school district becomes an elementary
31 district and for each year thereafter.

- 1 c. Beginning with the 2021-22 school year and for each school year thereafter, the
2 superintendent shall reduce the district's baseline funding per weighted student
3 unit. Each year the superintendent shall calculate the amount by which the
4 district's baseline funding per weighted student unit exceeds the payment per
5 weighted student unit provided in subsection 3. The superintendent shall reduce
6 the district's baseline funding per weighted student unit by fifteen percent of the
7 amount by which the district's baseline funding per weighted student unit exceeds
8 the payment per weighted student unit for the 2021-22 school year. For each
9 year thereafter, the reduction percentage is increased by an additional fifteen
10 percent. However, the district's baseline funding per weighted student unit, after
11 the reduction, may not be less than the payment per weighted student unit
12 provided in subsection 3.
- 13 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
14 as the greater of:
- 15 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
16 ~~thirty-six~~five hundred forty-four ~~ninety-five~~ dollars;
- 17 (2) One hundred two percent of the district's baseline funding per weighted
18 student unit, as established in subsection 2, multiplied by the district's
19 weighted student units, not to exceed the district's 2017-18 baseline
20 weighted student units, plus any weighted student units in excess of the
21 2017-18 baseline weighted student units multiplied by ten thousand
22 ~~one hundred thirty-six~~five hundred forty-four ~~ninety-five~~ dollars; or
- 23 (3) The district's baseline funding as established in subsection 1 less the
24 amount in paragraph 1, with the difference reduced by fifteen percent and
25 then the difference added to the amount determined in paragraph 1.
- 26 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
27 superintendent shall calculate state aid as the greater of:
- 28 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
29 ~~thirty-seven~~eight hundred sixty-nine ~~hundred thirteen~~ dollars;
- 30 (2) One hundred two percent of the district's baseline funding per weighted
31 student unit, as established in subsection 2, multiplied by the district's

- 1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by ten thousand
4 ~~two hundred thirty seven~~ eight hundred sixty nine hundred thirteen dollars; or
- 5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by thirty percent for the
7 2022-23 school year and the reduction percentage increasing by fifteen
8 percent each school year thereafter until the difference is reduced to zero,
9 and then the difference added to the amount determined in paragraph 1.
- 10 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
11 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 12 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
13 ~~ten percent of the district's baseline funding per weighted student unit, as~~
14 ~~established in subsection 2, multiplied by the district's weighted student~~
15 ~~units from the previous school year.~~
- 16 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, multiplied by the district's weighted student~~
19 ~~units from the previous school year.~~
- 20 (3) ~~For the 2023-24 school year, the transition maximum rate is one hundred~~
21 ~~ten percent of the district's baseline funding per weighted student unit, as~~
22 ~~established in subsection 2, plus twenty percent of the difference between~~
23 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
24 ~~one hundred ten percent of the district's baseline funding per weighted~~
25 ~~student unit. The transition maximum is determined by multiplying the~~
26 ~~transition maximum rate, which may not exceed the rate under paragraph 1-~~
27 ~~of subdivision b of this subsection, by the district's weighted student units~~
28 ~~from the previous school year.~~
- 29 (4) ~~For the 2024-25 school year, the transition maximum rate is one hundred~~
30 ~~ten percent of the district's baseline funding per weighted student unit, as~~
31 ~~established in subsection 2, plus forty percent of the difference between the~~

1 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
2 ~~ten percent of the district's baseline funding per weighted student unit. The~~
3 ~~transition maximum is determined by multiplying the transition maximum~~
4 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
5 ~~this subsection, by the district's weighted student units from the previous~~
6 ~~school year.~~

7 (5) ~~For the 2025-26 school year, the transition maximum rate is one hundred~~
8 ~~ten percent of the district's baseline funding per weighted student unit, as~~
9 ~~established in subsection 2, plus sixty percent of the difference between the~~
10 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
11 ~~ten percent of the district's baseline funding per weighted student unit. The~~
12 ~~transition maximum is determined by multiplying the transition maximum~~
13 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
14 ~~this subsection, by the district's weighted student units from the previous~~
15 ~~school year.~~

16 (6) ~~For the 2026-27 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, plus eighty percent of the difference between~~
19 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
20 ~~one hundred ten percent of the district's baseline funding per weighted~~
21 ~~student unit. The transition maximum is determined by multiplying the~~
22 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
23 ~~of subdivision b of this subsection, by the district's weighted student units~~
24 ~~from the previous school year.~~

25 4. After determining the product in accordance with subsection 3, the superintendent of
26 public instruction shall:
27 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
28 school district; and
29 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
30 subdivisions c and d of subsection 1. Before determining the deduction for

- 1 seventy-five percent of all revenue types, the superintendent of public instruction
2 shall adjust revenues as follows:
- 3 (1) Tuition revenue shall be adjusted as follows:
- 4 (a) In addition to deducting tuition revenue received specifically for the
5 operation of an educational program provided at a residential
6 treatment facility, tuition revenue received for the provision of an adult
7 farm management program, and tuition received under an agreement
8 to educate students from a school district on an air force base with
9 funding received through federal impact aid as directed each school
10 year in paragraph 3 of subdivision c of subsection 1, the
11 superintendent of public instruction also shall reduce the total tuition
12 reported by the school district by the amount of tuition revenue
13 received for the education of students not residing in the state and for
14 which the state has not entered a cross-border education contract;
15 and
- 16 (b) The superintendent of public instruction also shall reduce the total
17 tuition reported by admitting school districts meeting the requirements
18 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
19 of tuition revenue received for the education of students residing in an
20 adjacent school district.
- 21 (2) After adjusting tuition revenue as provided in paragraph 1, the
22 superintendent shall reduce all remaining revenues from all revenue types
23 by the percentage of mills levied in ~~2020~~2022 by the school district for
24 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
25 school district for all purposes.
- 26 5. The amount remaining after the computation required under subsection 4 is the
27 amount of state aid to which a school district is entitled, subject to any other statutory
28 requirements or limitations.
- 29 6. On or before June thirtieth of each year, the school board shall certify to the
30 superintendent of public instruction the final average daily membership for the current
31 school year.

- 1 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
2 with the school districts, shall report the following to the superintendent of public
3 instruction on an annual basis:
- 4 a. The amount of revenue received by each school district in the county during the
5 previous school year for each type of revenue identified in subdivisions c and d of
6 subsection 1;
- 7 b. The total number of mills levied in the previous calendar year by each school
8 district for all purposes; and
- 9 c. The number of mills levied in the previous calendar year by each school district
10 for sinking and interest fund purposes.

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

13 Private tutors.

14 A school district shall permit private tutors to provide tutoring services on school premises.

15 **SECTION 13. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-36-02. Coal development trust fund - Board of university and school lands -**
18 **School construction projects - Unanticipated construction projects and emergency**
19 **repairs - Loans.**

- 20 1. Up to sixty million dollars from the coal development trust fund is available to the
21 board of university and school lands for loans under this section.
- 22 2. To be eligible for a loan under this section, the school district must demonstrate a need
23 based on an unanticipated construction project, an unanticipated replacement project,
24 or an emergency repair or situation, and the board of a school district shall:
- 25 a. Obtain the approval of the superintendent of public instruction for the construction
26 project under section 15.1-36-01; and
- 27 b. Submit to the superintendent of public instruction an application containing all
28 information deemed necessary by the superintendent, including potential
29 alternative sources or methods of financing the construction project.
- 30 3. The superintendent of public instruction shall consider each loan application in the
31 order ~~the~~ the application received approval under section 15.1-36-01.

- 1 4. If the superintendent of public instruction approves the loan, the board of university
2 and school lands shall issue a loan from the coal development trust fund.
- 3 a. For a loan made under this section:
- 4 ~~a.~~ (1) The minimum loan amount is two hundred fifty thousand dollars and the
5 maximum loan amount for which a school district may qualify is ~~two~~five
6 million dollars;
- 7 ~~b.~~ (2) The term of the loan is twenty years, unless the board of the school district
8 requests a shorter term in the written loan application; and
- 9 ~~c.~~ (3) The interest rate of the loan may not exceed two percent per year.
- 10 b. For a loan made under this section which includes additional expenses due to
11 unanticipated construction inflation:
- 12 (1) The unanticipated construction inflation must have occurred for a
13 construction project bid after January 1, 2021, and before June 30, 2024;
- 14 (2) The maximum loan amount for which a school district may qualify is five
15 million dollars;
- 16 (3) The interest rate on the loan may not exceed two percent per year;
- 17 (4) The term of the loan is twenty years, unless the board of the school district
18 requests a shorter term in the written loan application; and
- 19 (5) The school district may pledge revenues derived from its general fund levy
20 authority or other sources of revenue authorized by law.
- 21 5. a. If a school district seeking a loan under this section received an allocation of the
22 oil and gas gross production tax during the previous fiscal year in accordance
23 with chapter 57-51, the board of the district shall provide to the board of
24 university and school lands, and to the state treasurer, its evidence of
25 indebtedness indicating ~~that~~ the loan originated under this section.
- 26 b. If the evidence of indebtedness is payable solely from the school district's
27 allocation of the oil and gas gross production tax in accordance with section
28 57-51-15, the loan does not constitute a general obligation of the school district
29 and may not be considered a debt of the district.
- 30 c. If a loan made to a school district is payable solely from the district's allocation of
31 the oil and gas gross production tax in accordance with section 57-51-15, the

1 | terms of the loan must require ~~that~~ the state treasurer withhold the dollar amount
2 | or percentage specified in the loan agreement, from each of the district's oil and
3 | gas gross production tax allocations, in order to repay the principal and interest of
4 | the evidence of indebtedness. The state treasurer shall deposit the amount
5 | withheld into the fund from which the loan originated.

6 | d. Any evidence of indebtedness executed by the board of a school district under
7 | this subsection is a negotiable instrument and not subject to taxation by the state
8 | or any political subdivision of the state.

9 | 6. For purposes of this section, a "construction project" means the purchase, lease,
10 | erection, or improvement of any structure or facility by a school board, provided the
11 | acquisition or activity is within a school board's authority.

12 | **SECTION 14. AMENDMENT.** Section 15.1-36-04 of the North Dakota Century Code is
13 | amended and reenacted as follows:

14 | **15.1-36-04. Evidences of indebtedness.**

15 | The board of a school district may issue and sell evidences of indebtedness under
16 | ~~chapter~~chapters 21-02 and 21-03 to finance the construction or improvement of a project
17 | approved under this chapter. The principal amount of the loan and the evidences of
18 | indebtedness to repay the loan may not exceed the loan amount for which the district is eligible
19 | under ~~this~~ chapter 21-03. Evidences of indebtedness issued under this chapter constitute a
20 | general obligation of the school district.

21 | **SECTION 15. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota
22 | Century Code is amended and reenacted as follows:

23 | 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
24 | shall issue a loan from the school construction assistance revolving loan fund. For a
25 | loan made under this section:

26 | a. ~~The~~lf the school construction project totals less than seventy-five million dollars,
27 | the maximum loan amount for which a school district may qualify is ten million
28 | dollars. However, if a school district's unobligated general fund balance on the
29 | preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
30 | loan amount under this section may not exceed eighty percent of the project's
31 | cost up to a maximum loan amount of eight million dollars;

- 1 b. If the school construction project totals seventy-five million dollars or more, the
2 maximum loan amount for which a school district may qualify is fifty million
3 dollars. However, if a school district's unobligated general fund balance on the
4 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
5 loan amount under this section may not exceed eighty percent of the project's
6 cost up to a maximum loan amount of forty million dollars:
- 7 c. The term of the loan is twenty years, unless the board of the school district
8 requests a shorter term in the written loan application; and
- 9 e-d. The interest rate of the loan may not exceed two percent per year.
- 10 e. A district with a school construction loan secured on the open bond market may
11 apply to refinance the loan when callable with the school construction assistance
12 revolving loan fund under this subsection.
- 13 f. A district that qualifies for a loan under subdivision b, which was approved for a
14 loan of up to ten million dollars for a construction project bid after January 1,
15 2021, and before June 30, 2024, may apply for a loan in an amount equal to the
16 difference between fifty million dollars and the amount of the approved loan.

17 ~~SECTION 12. LEGISLATIVE MANAGEMENT STUDY – SCHOOL TRANSPORTATION~~
18 ~~SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study~~
19 ~~school transportation services funding. The study must include a review of the formula for~~
20 ~~funding school transportation services and an assessment of whether a factor-based model~~
21 ~~would fund school transportation more appropriately. The legislative management shall report~~
22 ~~its findings and recommendations, together with any legislation required to implement the~~
23 ~~recommendations, to the sixty-ninth legislative assembly.~~

24 **SECTION 16. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE**
25 **BOARD OF PUBLIC SCHOOL EDUCATION.**

- 26 1. During the 2023-24 interim, the legislative management shall consider studying the
27 composition of the state board of public school education. The study must include:
- 28 a. An analysis of the state board of public school education boundaries, including a
29 comparison of methodologies for creating the boundaries;
- 30 b. An analysis of the inclusion of representatives from small, large, urban, and rural
31 schools on the board;

- 1 c. An evaluation of term limits for board members, including staggering terms to
- 2 ensure continuity of knowledge;
- 3 d. An evaluation of the benefits and consequences of requiring the composition of
- 4 the board to include two school district superintendents, two members of a board
- 5 of a school district, and two citizens at large;
- 6 e. An evaluation of the benefits and consequences of requiring a minimum or
- 7 maximum number of candidates to be submitted to the governor and permitting
- 8 the governor to request a new list of potential candidates once; and
- 9 f. An analysis of the role and practices of the county superintendent of schools.
- 10 2. The legislative management shall report its findings and recommendations, together
- 11 with any legislation required to implement the recommendations, to the sixty-ninth
- 12 legislative assembly.

13 **SECTION 17. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE -**

14 **REPORT TO LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the legislative
15 management shall establish a teacher shortage and military families task force facilitated by the
16 superintendent of public instruction to examine employer recruitment needs, applicable state
17 regulations, and benefit options for kindergarten through grade twelve educators within the
18 state, including potential barriers to military personnel and spouses teaching in the classroom.
19 The task force shall identify immediate and long term public policy strategies to address teacher
20 shortage and support for military families and spouses. The task force shall report its findings
21 and recommendations, together with any legislation necessary to implement the
22 recommendations, to the sixty-ninth legislative assembly.

23 **SECTION 18. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS**

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

1 **SECTION 19. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
2 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
3 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
4 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
5 instruction for the purpose of supporting professional learning related to the science of reading
6 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
7 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
8 regional education associations to ensure continuity of access to science of reading training
9 opportunities and develop support processes to deepen science of reading implementation. The
10 superintendent of public instruction shall provide quarterly reports to the legislative
11 management on the implementation and effectiveness of this appropriation on improving
12 educational outcomes, including the number of teachers trained, an anticipated timeline of
13 results trends, and any results trends available.

14 **SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
15 **PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING.** There is appropriated out
16 of any moneys in the public instruction fund in the state treasury, not otherwise appropriated,
17 the sum of \$279,000, or so much of the sum as may be necessary, to the department of public
18 instruction for the purpose of providing training in identification of dyslexia characteristics to one
19 educator in every school that instructs students in kindergarten through third grade for one year,
20 for the biennium beginning July 1, 2023, and ending June 30, 2025.

21 **SECTION 21. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
22 **PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING.** There is
23 appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise
24 appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the
25 department of public instruction for the purpose of providing training in a reading learning
26 platform approved by the superintendent of public instruction to one educator in every school
27 that instructs students in kindergarten through third grade for two years, for the biennium
28 beginning July 1, 2023, and ending June 30, 2025.

29 **SECTION 22. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**
30 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
31 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in

1 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
2 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the
3 2023-25 biennium and the office of management and budget shall transfer this amount into the
4 public instruction fund for the purpose of funding professional learning related to the science of
5 reading and implementing systematic direct literacy instruction as appropriated in section ~~40~~19
6 of this Act.

7 **SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

8 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
9 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
10 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
11 Session Laws, the lesser of \$887,000 or the remaining amount must be continued into the
12 2023-25 biennium and the office of management and budget shall transfer this amount into the
13 public instruction fund for the purpose of funding a higher education reading program, training in
14 identification of dyslexia characteristics, and reading training for kindergarten through grade
15 three teachers as appropriated in sections 20 and 21 of this Act.

16 **SECTION 24. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**

17 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and

18 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
19 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
20 and ending June 30, 2025.

21 **SECTION 25. EFFECTIVE DATE.** Section ~~5~~9 of this Act becomes effective on July 1, 2024.

22 **SECTION 26. EXPIRATION DATE.** Section 13 of this Act is effective through June 30,
23 2025, and after that date is ineffective.

24 **SECTION 27. EMERGENCY.** This Act is declared to be an emergency measure.

SB 2204
3/29/23 PM
HEDU
Hoverson

Section 13. Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

Section 14. All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, must be open and public.

Section 15. Members of the legislative assembly are immune from arrest during their attendance at the sessions, and in going to or returning from the sessions, except in cases of felony. Members of the legislative assembly may not be questioned in any other place for any words used in any speech or debate in legislative proceedings.

Section 16. Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.

23.0697.03027

SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 and a new section to
2 chapter 15.1-32 of the North Dakota Century Code, relating to school purchases of gifts or
3 gratuities and permitting private tutors on public school premises; to amend and reenact ~~section-~~
4 ~~15.1-01-01~~sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26, subsection 8 of section
5 15.1-15-02, ~~subsection~~subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1,
6 subsection 4 of section 15.1-27-03.2, ~~section~~sections 15.1-27-04.1, 15.1-36-02, and
7 15.1-36-04, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating
8 to the state board of public school education members, virtual learning, a policy to revert a
9 reorganized school district back to separate districts, school district enrollment, the definition of
10 "probationary teacher", a school district's policy governing possession of a weapon, the
11 definition of "dangerous weapon", modification of weighting factors and transition maximums,
12 loans from the coal development trust fund, evidences of indebtedness, and an increase in per
13 student payments; to provide for a legislative management study; to provide a legislative
14 management report; to provide for a teacher shortage and military families task force; to provide
15 an appropriation; to provide for an exemption; to provide for a transfer; ~~and~~ to provide an
16 effective date; and to declare an emergency.

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

18 ~~SECTION 1. AMENDMENT. Section 15.1-01-01 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~
20 ~~15.1-01-01. State board of public school education -- Composition:~~
21 ~~1. The state board of public school education consists of the superintendent of public~~
22 ~~instruction and:~~

Sixty-eighth
Legislative Assembly

- 1 ~~a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
2 ~~and Traill Counties legislative districts ten, eleven, thirteen, sixteen, twenty-one,~~
3 ~~forty-one, forty-four, and forty-six;~~
- 4 ~~b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,~~
5 ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties legislative districts~~
6 ~~nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;~~
- 7 ~~c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,~~
8 ~~Ransom, Richland, and Sargent Counties legislative districts twelve, twenty-two,~~
9 ~~twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;~~
- 10 ~~d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,~~
11 ~~Stutsman, and Wells Counties legislative districts seven, eight, thirty, thirty-one,~~
12 ~~thirty-two, thirty-four, thirty-five, and forty-seven;~~
- 13 ~~e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and~~
14 ~~Williams Counties legislative districts three, four, five, six, fourteen, thirty-three,~~
15 ~~thirty-eight, and forty; and~~
- 16 ~~f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant,~~
17 ~~Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties legislative~~
18 ~~districts one, two, twenty-three, twenty-six, thirty-six, thirty-seven, and thirty-nine.~~
- 19 ~~2. All board members other than the superintendent of public instruction must be~~
20 ~~qualified electors and must reside in one of the counties districts they represent.~~
- 21 ~~3. The governor shall appoint new board members from a list of three names submitted~~
22 ~~by a committee consisting of the president of North Dakota united or the president's~~
23 ~~designee, the president of the North Dakota council of educational leaders or the~~
24 ~~president's designee, and the president of the North Dakota school boards association~~
25 ~~or the president's designee. Two of the state board members must be members of the~~
26 ~~North Dakota school boards association. Two of the state board members must be~~
27 ~~employed by a North Dakota school district and be active members of the North~~
28 ~~Dakota association of school administrators.~~
- 29 ~~4. Appointees serve for six-year terms, staggered so that the terms of two members~~
30 ~~expire on June thirtieth of each even-numbered year.~~

- 1 ~~5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration~~
2 ~~of the unexpired term.~~
- 3 ~~6. Each member of the board is entitled to receive, from the biennial appropriation for the~~
4 ~~superintendent of public instruction, compensation in the amount of sixty-two dollars~~
5 ~~and fifty cents per day and reimbursement for expenses, as provided by law for state~~
6 ~~officers, if the member is attending board meetings or performing duties directed by~~
7 ~~the board. The compensation provided for in this section may not be paid to any~~
8 ~~member who receives a salary or other compensation as an employee or official of~~
9 ~~this state if the individual is serving on the board by virtue of the individual's state~~
10 ~~office or state employment.~~
- 11 ~~7. The superintendent of public instruction shall serve as the executive director and~~
12 ~~secretary of the board. The superintendent shall call meetings as necessary, carry out~~
13 ~~the policies of the board, and employ personnel necessary to perform the board's~~
14 ~~duties.~~
- 15 ~~8. The board shall annually elect one member to serve as the chairman.~~

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

18 **15.1-01-03. State board of public school education - Powers and duties.**

- 19 1. The state board of public school education shall:
- 20 a. Assist county committees in carrying out their duties.
- 21 b. Provide county committees with clerical assistance, plans of procedure,
22 standards, data, maps, forms, and other materials, information, and services.
- 23 c. Appoint members to the county committee, if the county superintendent does not
24 fulfill this duty, as provided for in section 15.1-10-01.
- 25 d. Provide oversight for regional education associations as required by chapter
26 15.1-09.1.
- 27 e. Establish and certify a North Dakota learning continuum to allow a
28 district-approved, mastery framework policy to award units required under
29 sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time
30 requirements under section 15.1-21-03, upon the recommendation of the
31 kindergarten through grade twelve education coordination council.

1 f. Develop a policy and procedures for a school district formed by the
2 reorganization process under chapter 15.1-12 to revert to individual school
3 districts. For a reorganized school district to be eligible for the reversion process,
4 the reorganized school district must have been formed by school districts located
5 in two or more communities, including a rural community, and may not have been
6 formed by school districts that were located in the same city. The board shall
7 develop the policy and procedures on or before January 1, 2024.

8 2. The state board of public school education may adopt rules in accordance with
9 chapter 28-32.

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

12 **Purchase of gifts or gratuities - Gift fund.**

13 1. A public school or school district may create a gift fund. The gift fund may not include
14 state funds.

15 2. A public school or school district may use funds from the gift fund to purchase an item
16 as a gift or gratuity for an individual, including a school district employee, an individual
17 who speaks or performs at a school function, or a guest on the school premises.

18 3. For purposes of this section, "gift" includes:

19 a. A beverage, food item, or refreshment;

20 b. For parent-teacher conferences, beverages, food items, or refreshments, costing
21 no more than twenty-five dollars per teacher;

22 c. A catered meal costing no more than fifty dollars per meal;

23 d. Pens, notepads, or other promotional materials;

24 e. An item of cultural significance, including a quilt, basket, beadwork, sage, or
25 quillwork;

26 f. An award or incentive, as approved by the superintendent of public instruction or
27 the superintendent's designee; and

28 g. Any other item of de minimis value.

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

1 **15.1-07-25.4. Virtual learning - School district policy - Report to legislative**
2 **management and legislative assembly.**

3 The board of a school district or governing board of a nonpublic school that operates a
4 physical school plant may adopt a policy to allow students to engage in virtual instruction and in
5 the case of a school district, qualify for average daily membership in the district. The
6 superintendent of public instruction shall adopt rules governing policies under this section. A
7 policy adopted by a school district under this section must comply with the rules adopted by the
8 superintendent of public instruction. The superintendent of public instruction shall provide
9 ~~biennial reports~~an annual report to the legislative management ~~regarding~~in even-numbered
10 years and the legislative assembly in odd-numbered years comparing the academic
11 performance ~~metrics~~ of students participating in virtual instruction with students not participating
12 in virtual instruction under this section using the statewide prekindergarten through grade twelve
13 strategic vision framework goals. If the superintendent of public instruction does not have
14 access to academic performance reports of a school district's virtual instruction subgroup
15 because of low group size, the district shall provide the annual report required under this
16 section for the district's comparison data.

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

19 **15.1-07-26. School district demographics enrollment - Long-term planning-**
20 **process Review - Report.**

21 1. Between January first and June thirtieth of every even-numbered year, the board of
22 each school district shall invite the public to participate in a ~~planning process~~review
23 addressing the effects ~~that demographics might~~decreasing or increasing enrollment
24 will have on the district in the ensuing three-year and five-year periods, and
25 specifically addressing potential effects on:

- 26 a. Academic ~~and extracurricular programs~~achievement including progress toward
27 state academic goals adopted by the statewide prekindergarten through grade
28 twelve education strategic vision steering committee;
29 b. Instructional ~~and~~ administrative, and ancillary staffing;
30 c. Co-curricular or extracurricular programs;
31 d. Facility needs and utilization; and

- 1 ~~d.e.~~ District property tax levies.
- 2 2. At the conclusion of the planning process review, the board shall prepare a report,
- 3 ~~publish a notice in the official newspaper of the district indicating that the report is~~
- 4 ~~available~~ submit the report to the superintendent of public instruction by August first of
- 5 each even-numbered year, make the report available on the district website, and make
- 6 the report available upon request.
- 7 3. The superintendent of public instruction shall provide an aggregate report on these
- 8 plans to the legislative assembly.

9 **SECTION 5. AMENDMENT.** Subsection 8 of section 15.1-15-02 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 8. For purposes of this section, "probationary teacher" means an individual teaching for
12 less than two years in the school district.

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

- 15 2. The policy must ~~prohibit~~:
- 16 a. Prohibit the possession of a dangerous weapon or a firearm by a student on
- 17 school property and at school functions and provide for the punishment of any
- 18 student found to be in violation. ~~Punishment must include immediate suspension~~
- 19 ~~from school and expulsion. A~~
- 20 b. Require a student who possesses a firearm in violation of this section ~~must to~~ be
- 21 expelled for at least one year. ~~The school district firearms policy must authorize~~
- 22 c. Authorize the school district superintendent or the school principal, if the school
- 23 district does not have a superintendent, to modify an expulsion for firearms
- 24 possession under this section on a case-by-case basis in accordance with criteria
- 25 established by the board. Before expelling a student, a school board or its
- 26 designated hearing officer, within ten days of the student's suspension, shall
- 27 provide the student with a hearing at which time the school board or its
- 28 designated hearing officer shall take testimony and consider evidence, including
- 29 the existence of mitigating circumstances. If a designated hearing officer orders
- 30 that a student be expelled, the student may seek a review of the decision by the
- 31 school board, based on the record of the expulsion hearing.

1 d. Include a referral mechanism to the criminal justice or juvenile delinquency
2 system for a student who possesses a firearm in violation of this subsection.

3 **SECTION 7. AMENDMENT.** Subsection 6 of section 15.1-19-10 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 6. For purposes of this section:

6 a. "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

7 b. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
8 18 U.S.C. 921].

9 b-c. "School property" includes all land within the perimeter of the school site and all
10 school buildings, structures, facilities, and school vehicles, whether owned or
11 leased by a school district, and the site of any school-sponsored event or activity.

12 c. "Weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto,
13 sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any
14 throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,
15 bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and
16 arrow, crossbow, or spear; any weapon that will expel, or is readily capable of
17 expelling, a projectile by the action of a spring, compressed air, or compressed
18 gas, including any such weapon, loaded or unloaded, commonly referred to as a
19 BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object
20 containing or capable of producing and emitting any noxious liquid, gas, or
21 substance. The term does not include a spray or aerosol containing CS, also
22 known as ortho-chlorobenzamalonitrile; CN, also known as alpha-
23 chloroacetophenone; or other irritating agent intended for use in the defense of
24 an individual, nor does the term include a device that uses voltage for the
25 defense of an individual, unless the device uses a projectile and voltage or the
26 device uses a projectile and may be used to apply multiple applications of voltage
27 during a single incident, then the term includes the device for an individual who is
28 prohibited from possessing a firearm under this title.

29 **SECTION 8. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 2 1. For each school district, the superintendent of public instruction shall multiply by:
- 3 a. 1.00 the number of full-time equivalent students enrolled in an extended
- 4 educational program in accordance with section 15.1-32-17;
- 5 b. 0.60 the number of full-time equivalent students enrolled in a summer education
- 6 program, including a migrant summer education program;
- 7 c. 0.40 the number of full-time equivalent students who:
- 8 (1) On a test of English language proficiency approved by the superintendent of
- 9 public instruction are determined to be least proficient and placed in the first
- 10 of six categories of proficiency; and
- 11 (2) Are enrolled in a program of instruction for English language learners;
- 12 d. 0.28 the number of full-time equivalent students who:
- 13 (1) On a test of English language proficiency approved by the superintendent of
- 14 public instruction are determined to be more proficient than students placed
- 15 in the first of six categories of proficiency and therefore placed in the second
- 16 of six categories of proficiency; and
- 17 (2) Are enrolled in a program of instruction for English language learners;
- 18 e. 0.25 the number of full-time equivalent students under the age of twenty-one
- 19 enrolled in grades nine through twelve in an alternative high school;
- 20 f. 0.20 the number of full-time equivalent students enrolled in a home-based
- 21 education program and monitored by the school district under chapter 15.1-23;
- 22 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
- 23 special education program;
- 24 h. 0.15 the number of full-time equivalent students in grades six through eight
- 25 enrolled in an alternative education program for at least an average of fifteen
- 26 hours per week;
- 27 i. 0.10 the number of students enrolled in average daily membership, if the district
- 28 has fewer than one hundred students enrolled in average daily membership and
- 29 the district consists of an area greater than two hundred seventy-five square
- 30 miles [19424.9 hectares], provided that any school district consisting of an area
- 31 greater than six hundred square miles [155399 hectares] and enrolling fewer than

- 1 fifty students in average daily membership must be deemed to have an
2 enrollment equal to fifty students in average daily membership;
- 3 j. ~~0.0820.088~~ the number of students enrolled in average daily membership, in
4 order to support the provision of special education services;
- 5 k. 0.07 the number of full-time equivalent students who:
- 6 (1) On a test of English language proficiency approved by the superintendent of
7 public instruction are determined to be more proficient than students placed
8 in the second of six categories of proficiency and therefore placed in the
9 third of six categories of proficiency;
- 10 (2) Are enrolled in a program of instruction for English language learners; and
11 (3) Have not been in the third of six categories of proficiency for more than
12 three years;
- 13 l. 0.025 the number of students representing that percentage of the total number of
14 students in average daily membership which is equivalent to the three-year
15 average percentage of students in grades three through eight who are eligible for
16 free or reduced lunches under the Richard B. Russell National School Lunch Act
17 [42 U.S.C. 1751 et seq.];
- 18 m. 0.002 the number of students enrolled in average daily membership in a school
19 district that is a participating member of a regional education association meeting
20 the requirements of chapter 15.1-09.1;
- 21 n. ~~0.601.0~~ the number of students by which the district's September tenth
22 enrollment report, adjusted for students that will generate average daily
23 membership, exceeds the number of students in the prior year's average daily
24 membership ~~increasing the factor annually by 0.10, not to exceed 1.00~~; and
- 25 o. For districts paid based on September tenth enrollment in the prior year, ~~0.500.70~~
26 the number of students determined by deducting the number of students in the
27 prior year's September tenth enrollment, adjusted for students that will generate
28 average daily membership, from the prior year's average daily membership,
29 increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's
30 September tenth enrollment exceeds the prior year's average daily membership,

1 then a deduction of 0.50 the number of excess students, increasing the factor
2 annually by 0.10, not to exceed 1.00.

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

6 **SECTION 9. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00
9 the number of students determined by deducting the number of students in the
10 prior year's September tenth enrollment, adjusted for students that will generate
11 average daily membership, from the prior year's average daily membership,
12 ~~increasing the factor annually by 0.10, not to exceed 1.00.~~ If the prior year's
13 September tenth enrollment exceeds the prior year's average daily membership,
14 then a deduction of ~~0.50~~1.00 the number of excess students, ~~increasing the~~
15 ~~factor annually by 0.10, not to exceed 1.00.~~

16 **SECTION 10. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota
17 Century Code is amended and reenacted as follows:

18 4. The school district size weighting factor determined under this section and multiplied
19 by a school district's weighted average daily membership equals the district's weighted
20 student units. ~~For the 2022-23 school year, for school districts that operate multiple~~
21 ~~kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers]~~
22 ~~apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no~~
23 ~~replicated grades, the superintendent of public instruction shall determine the school~~
24 ~~size weighting factor for each building separately. The superintendent of public~~
25 ~~instruction shall multiply the school size weighting factor for each building by the~~
26 ~~school district's weighted average daily membership to determine each building's~~
27 ~~weighted student units. The superintendent of public instruction shall combine the~~
28 ~~weighted student units of all buildings in the school district to determine the school~~
29 ~~district's weighted student units.~~

30 **SECTION 11. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
2 **through June 30, 2025)**

3 1. To determine the amount of state aid payable to each district, the superintendent of
4 public instruction shall establish each district's baseline funding. A district's baseline
5 funding consists of:

6 a. All state aid received by the district in accordance with chapter 15.1-27 during the
7 2018-19 school year;

8 b. An amount equal to the property tax deducted by the superintendent of public
9 instruction to determine the 2018-19 state aid payment;

10 c. An amount equal to seventy-five percent of the revenue received by the school
11 district during the 2017-18 school year for the following revenue types:

12 (1) Revenue reported under code 2000 of the North Dakota school district
13 financial accounting and reporting manual, as developed by the
14 superintendent of public instruction in accordance with section 15.1-02-08;

15 (2) Mineral revenue received by the school district through direct allocation from
16 the state treasurer and not reported under code 2000 of the North Dakota
17 school district financial accounting and reporting manual, as developed by
18 the superintendent of public instruction in accordance with section
19 15.1-02-08;

20 (3) Tuition reported under code 1300 of the North Dakota school district
21 financial accounting and reporting manual, as developed by the
22 superintendent of public instruction in accordance with section 15.1-02-08,
23 with the exception of revenue received specifically for the operation of an
24 educational program provided at a residential treatment facility, tuition
25 received for the provision of an adult farm management program, and
26 beginning in the 2021-22 school year, seventeen percent of tuition received
27 under an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid, and an
29 additional seventeen percent of tuition received under an agreement to
30 educate students from a school district on an air force base with funding
31 received through federal impact aid each school year thereafter, until the

- 1 2024-25 school year when sixty-eight percent of tuition received under an
2 agreement to educate students from a school district on an air force base
3 with funding received through federal impact aid must be excluded from the
4 tuition calculation under this paragraph;
- 5 (4) Revenue from payments in lieu of taxes on the distribution and transmission
6 of electric power;
- 7 (5) Revenue from payments in lieu of taxes on electricity generated from
8 sources other than coal; and
- 9 (6) Revenue from the leasing of land acquired by the United States for which
10 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 11 d. An amount equal to the total revenue received by the school district during the
12 2017-18 school year for the following revenue types:
- 13 (1) Mobile home tax revenue;
- 14 (2) Telecommunications tax revenue; and
- 15 (3) Revenue from payments in lieu of taxes and state reimbursement of the
16 homestead credit and disabled veterans credit; and
- 17 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
18 baseline funding for any school district that becomes an elementary district
19 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
20 be proportional to the number of weighted student units in the grades that are
21 offered through another school district relative to the total number of weighted
22 student units the school district offered in the year before the school district
23 became an elementary district. The reduced baseline funding applies to the
24 calculation of state aid for the first school year in which the school district
25 becomes an elementary district and for each year thereafter. For districts that
26 become an elementary district prior to the 2020-21 school year, the
27 superintendent shall use the reduced baseline funding to calculate state aid for
28 the 2020-21 school year and for each year thereafter.
- 29 2. a. The superintendent shall divide the district's baseline funding determined in
30 subsection 1 by the district's 2017-18 weighted student units to determine the
31 district's baseline funding per weighted student unit.

- 1 b. For any school district that becomes an elementary district pursuant to section
2 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
3 district's baseline funding per weighted student unit used to calculate state aid.
4 The superintendent shall divide the district's baseline funding determined in
5 subsection 1 by the district's weighted student units after the school district
6 becomes an elementary district to determine the district's adjusted baseline
7 funding per weighted student unit. The superintendent shall use the district's
8 adjusted baseline funding per weighted student unit in the calculation of state aid
9 for the first school year in which the school district becomes an elementary
10 district and for each year thereafter.
- 11 c. Beginning with the 2021-22 school year and for each school year thereafter, the
12 superintendent shall reduce the district's baseline funding per weighted student
13 unit. Each year the superintendent shall calculate the amount by which the
14 district's baseline funding per weighted student unit exceeds the payment per
15 weighted student unit provided in subsection 3. The superintendent shall reduce
16 the district's baseline funding per weighted student unit by fifteen percent of the
17 amount by which the district's baseline funding per weighted student unit exceeds
18 the payment per weighted student unit for the 2021-22 school year. For each
19 year thereafter, the reduction percentage is increased by an additional fifteen
20 percent. However, the district's baseline funding per weighted student unit, after
21 the reduction, may not be less than the payment per weighted student unit
22 provided in subsection 3.
- 23 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
24 as the greater of:
- 25 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
26 ~~thirty-six~~ five hundred ~~forty-four~~ninety-five dollars;
- 27 (2) One hundred two percent of the district's baseline funding per weighted
28 student unit, as established in subsection 2, multiplied by the district's
29 weighted student units, not to exceed the district's 2017-18 baseline
30 weighted student units, plus any weighted student units in excess of the

- 1 2017-18 baseline weighted student units multiplied by ten thousand
2 ~~one hundred thirty-six~~ five hundred ~~forty-four~~ ~~ninety-five~~ dollars; or
3 (3) The district's baseline funding as established in subsection 1 less the
4 amount in paragraph 1, with the difference reduced by fifteen percent and
5 then the difference added to the amount determined in paragraph 1.
6 b. For the ~~2022-23~~ 2024-25 school year and each school year thereafter, the
7 superintendent shall calculate state aid as the greater of:
8 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
9 ~~thirty-seven~~ ~~eight hundred sixty~~ ~~nine hundred thirteen~~ dollars;
10 (2) One hundred two percent of the district's baseline funding per weighted
11 student unit, as established in subsection 2, multiplied by the district's
12 weighted student units, not to exceed the district's 2017-18 baseline
13 weighted student units, plus any weighted student units in excess of the
14 2017-18 baseline weighted student units multiplied by ten thousand
15 ~~two hundred thirty-seven~~ ~~eight hundred sixty~~ ~~nine hundred thirteen~~ dollars; or
16 (3) The district's baseline funding as established in subsection 1 less the
17 amount in paragraph 1, with the difference reduced by thirty percent for the
18 2022-23 school year and the reduction percentage increasing by fifteen
19 percent each school year thereafter until the difference is reduced to zero,
20 and then the difference added to the amount determined in paragraph 1.
21 ~~e. The superintendent also shall adjust state aid determined in this subsection to~~
22 ~~ensure the amount does not exceed the transition maximum as follows:~~
23 ~~(1) For the 2021-22 school year, the transition maximum rate is one hundred~~
24 ~~ten percent of the district's baseline funding per weighted student unit, as~~
25 ~~established in subsection 2, multiplied by the district's weighted student~~
26 ~~units from the previous school year.~~
27 ~~(2) For the 2022-23 school year, the transition maximum rate is one hundred~~
28 ~~ten percent of the district's baseline funding per weighted student unit, as~~
29 ~~established in subsection 2, multiplied by the district's weighted student~~
30 ~~units from the previous school year.~~

- 1 (3) For the 2023-24 school year, the transition maximum rate is one hundred-
- 2 ten percent of the district's baseline funding per weighted student unit, as
- 3 established in subsection 2, plus twenty percent of the difference between
- 4 the rate under paragraph 1 of subdivision b of this subsection and
- 5 one hundred ten percent of the district's baseline funding per weighted
- 6 student unit. The transition maximum is determined by multiplying the
- 7 transition maximum rate, which may not exceed the rate under paragraph 1
- 8 of subdivision b of this subsection, by the district's weighted student units
- 9 from the previous school year.
- 10 (4) For the 2024-25 school year, the transition maximum rate is one hundred-
- 11 ten percent of the district's baseline funding per weighted student unit, as
- 12 established in subsection 2, plus forty percent of the difference between the
- 13 rate under paragraph 1 of subdivision b of this subsection and one hundred
- 14 ten percent of the district's baseline funding per weighted student unit. The
- 15 transition maximum is determined by multiplying the transition maximum
- 16 rate, which may not exceed the rate under paragraph 1 of subdivision b of
- 17 this subsection, by the district's weighted student units from the previous
- 18 school year.
- 19 (5) For the 2025-26 school year, the transition maximum rate is one hundred-
- 20 ten percent of the district's baseline funding per weighted student unit, as
- 21 established in subsection 2, plus sixty percent of the difference between the
- 22 rate under paragraph 1 of subdivision b of this subsection and one hundred
- 23 ten percent of the district's baseline funding per weighted student unit. The
- 24 transition maximum is determined by multiplying the transition maximum
- 25 rate, which may not exceed the rate under paragraph 1 of subdivision b of
- 26 this subsection, by the district's weighted student units from the previous
- 27 school year.
- 28 (6) For the 2026-27 school year, the transition maximum rate is one hundred-
- 29 ten percent of the district's baseline funding per weighted student unit, as
- 30 established in subsection 2, plus eighty percent of the difference between
- 31 the rate under paragraph 1 of subdivision b of this subsection and

1 ~~one hundred ten percent of the district's baseline funding per weighted-~~
2 ~~student unit. The transition maximum is determined by multiplying the~~
3 ~~transition maximum rate, which may not exceed the rate under paragraph 1-~~
4 ~~of subdivision b of this subsection, by the district's weighted student units-~~
5 ~~from the previous school year.~~

- 6 4. After determining the product in accordance with subsection 3, the superintendent of
7 public instruction shall:
- 8 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
9 school district, except the amount in dollars subtracted for purposes of this
10 subdivision may not exceed the previous year's amount in dollars subtracted for
11 purposes of this subdivision by more than twelve percent, adjusted pursuant to
12 section 15.1-27-04.3; and
- 13 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
14 subdivisions c and d of subsection 1. Before determining the deduction for
15 seventy-five percent of all revenue types, the superintendent of public instruction
16 shall adjust revenues as follows:
- 17 (1) Tuition revenue shall be adjusted as follows:
- 18 (a) In addition to deducting tuition revenue received specifically for the
19 operation of an educational program provided at a residential
20 treatment facility, tuition revenue received for the provision of an adult
21 farm management program, and tuition received under an agreement
22 to educate students from a school district on an air force base with
23 funding received through federal impact aid as directed each school
24 year in paragraph 3 of subdivision c of subsection 1, the
25 superintendent of public instruction also shall reduce the total tuition
26 reported by the school district by the amount of tuition revenue
27 received for the education of students not residing in the state and for
28 which the state has not entered a cross-border education contract;
29 and
- 30 (b) The superintendent of public instruction also shall reduce the total
31 tuition reported by admitting school districts meeting the requirements

1 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
2 of tuition revenue received for the education of students residing in an
3 adjacent school district.

4 (2) After adjusting tuition revenue as provided in paragraph 1, the
5 superintendent shall reduce all remaining revenues from all revenue types
6 by the percentage of mills levied in ~~2020~~2022 by the school district for
7 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
8 school district for all purposes.

9 5. The amount remaining after the computation required under subsection 4 is the
10 amount of state aid to which a school district is entitled, subject to any other statutory
11 requirements or limitations.

12 6. On or before June thirtieth of each year, the school board shall certify to the
13 superintendent of public instruction the final average daily membership for the current
14 school year.

15 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
16 with the school districts, shall report the following to the superintendent of public
17 instruction on an annual basis:

18 a. The amount of revenue received by each school district in the county during the
19 previous school year for each type of revenue identified in subdivisions c and d of
20 subsection 1;

21 b. The total number of mills levied in the previous calendar year by each school
22 district for all purposes; and

23 c. The number of mills levied in the previous calendar year by each school district
24 for sinking and interest fund purposes.

25 **Baseline funding - Establishment - Determination of state aid. (Effective after**
26 **June 30, 2025)**

27 1. To determine the amount of state aid payable to each district, the superintendent of
28 public instruction shall establish each district's baseline funding. A district's baseline
29 funding consists of:

30 a. All state aid received by the district in accordance with chapter 15.1-27 during the
31 2018-19 school year;

- 1 b. An amount equal to the property tax deducted by the superintendent of public
2 instruction to determine the 2018-19 state aid payment;
- 3 c. An amount equal to seventy-five percent of the revenue received by the school
4 district during the 2017-18 school year for the following revenue types:
- 5 (1) Revenue reported under code 2000 of the North Dakota school district
6 financial accounting and reporting manual, as developed by the
7 superintendent of public instruction in accordance with section 15.1-02-08;
- 8 (2) Mineral revenue received by the school district through direct allocation from
9 the state treasurer and not reported under code 2000 of the North Dakota
10 school district financial accounting and reporting manual, as developed by
11 the superintendent of public instruction in accordance with section
12 15.1-02-08;
- 13 (3) Tuition reported under code 1300 of the North Dakota school district
14 financial accounting and reporting manual, as developed by the
15 superintendent of public instruction in accordance with section 15.1-02-08,
16 with the exception of revenue received specifically for the operation of an
17 educational program provided at a residential treatment facility, tuition
18 received for the provision of an adult farm management program, and
19 beginning in the 2025-26 school year, eighty-five percent of tuition received
20 under an agreement to educate students from a school district on an
21 air force base with funding received through federal impact aid, until the
22 2026-27 school year, and each school year thereafter, when all tuition
23 received under an agreement to educate students from a school district on
24 an air force base with funding received through federal impact aid must be
25 excluded from the tuition calculation under this paragraph;
- 26 (4) Revenue from payments in lieu of taxes on the distribution and transmission
27 of electric power;
- 28 (5) Revenue from payments in lieu of taxes on electricity generated from
29 sources other than coal; and
- 30 (6) Revenue from the leasing of land acquired by the United States for which
31 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and

- 1 d. An amount equal to the total revenue received by the school district during the
2 2017-18 school year for the following revenue types:
- 3 (1) Mobile home tax revenue;
- 4 (2) Telecommunications tax revenue; and
- 5 (3) Revenue from payments in lieu of taxes and state reimbursement of the
6 homestead credit and disabled veterans credit.
- 7 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
8 baseline funding for any school district that becomes an elementary district
9 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
10 be proportional to the number of weighted student units in the grades that are
11 offered through another school district relative to the total number of weighted
12 student units the school district offered in the year before the school district
13 became an elementary district. The reduced baseline funding applies to the
14 calculation of state aid for the first school year in which the school district
15 becomes an elementary district and for each year thereafter. For districts that
16 become an elementary district prior to the 2020-21 school year, the
17 superintendent shall use the reduced baseline funding to calculate state aid for
18 the 2020-21 school year and for each year thereafter.
- 19 2. a. The superintendent shall divide the district's baseline funding determined in
20 subsection 1 by the district's 2017-18 weighted student units to determine the
21 district's baseline funding per weighted student unit.
- 22 b. For any school district that becomes an elementary district pursuant to section
23 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
24 district's baseline funding per weighted student unit used to calculate state aid.
25 The superintendent shall divide the district's baseline funding determined in
26 subsection 1 by the district's weighted student units after the school district
27 becomes an elementary district to determine the district's adjusted baseline
28 funding per weighted student unit. The superintendent shall use the district's
29 adjusted baseline funding per weighted student unit in the calculation of state aid
30 for the first school year in which the school district becomes an elementary
31 district and for each year thereafter.

- 1 c. Beginning with the 2021-22 school year and for each school year thereafter, the
2 superintendent shall reduce the district's baseline funding per weighted student
3 unit. Each year the superintendent shall calculate the amount by which the
4 district's baseline funding per weighted student unit exceeds the payment per
5 weighted student unit provided in subsection 3. The superintendent shall reduce
6 the district's baseline funding per weighted student unit by fifteen percent of the
7 amount by which the district's baseline funding per weighted student unit exceeds
8 the payment per weighted student unit for the 2021-22 school year. For each
9 year thereafter, the reduction percentage is increased by an additional fifteen
10 percent. However, the district's baseline funding per weighted student unit, after
11 the reduction, may not be less than the payment per weighted student unit
12 provided in subsection 3.
- 13 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
14 as the greater of:
- 15 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
16 ~~thirty-six~~ five hundred ~~forty-four~~ninety-five dollars;
- 17 (2) One hundred two percent of the district's baseline funding per weighted
18 student unit, as established in subsection 2, multiplied by the district's
19 weighted student units, not to exceed the district's 2017-18 baseline
20 weighted student units, plus any weighted student units in excess of the
21 2017-18 baseline weighted student units multiplied by ten thousand
22 ~~one hundred thirty-six~~ five hundred ~~forty-four~~ninety-five dollars; or
- 23 (3) The district's baseline funding as established in subsection 1 less the
24 amount in paragraph 1, with the difference reduced by fifteen percent and
25 then the difference added to the amount determined in paragraph 1.
- 26 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
27 superintendent shall calculate state aid as the greater of:
- 28 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
29 ~~thirty-seven~~eight hundred sixty-nine hundred thirteen dollars;
- 30 (2) One hundred two percent of the district's baseline funding per weighted
31 student unit, as established in subsection 2, multiplied by the district's

- 1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by ten thousand
4 two hundred thirty seven ~~eight hundred sixty~~ nine hundred thirteen dollars; or
- 5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by thirty percent for the
7 2022-23 school year and the reduction percentage increasing by fifteen
8 percent each school year thereafter until the difference is reduced to zero,
9 and then the difference added to the amount determined in paragraph 1.
- 10 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
11 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 12 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
13 ~~ten percent of the district's baseline funding per weighted student unit, as~~
14 ~~established in subsection 2, multiplied by the district's weighted student~~
15 ~~units from the previous school year.~~
- 16 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, multiplied by the district's weighted student~~
19 ~~units from the previous school year.~~
- 20 (3) ~~For the 2023-24 school year, the transition maximum rate is one hundred~~
21 ~~ten percent of the district's baseline funding per weighted student unit, as~~
22 ~~established in subsection 2, plus twenty percent of the difference between~~
23 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
24 ~~one hundred ten percent of the district's baseline funding per weighted~~
25 ~~student unit. The transition maximum is determined by multiplying the~~
26 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
27 ~~of subdivision b of this subsection, by the district's weighted student units~~
28 ~~from the previous school year.~~
- 29 (4) ~~For the 2024-25 school year, the transition maximum rate is one hundred~~
30 ~~ten percent of the district's baseline funding per weighted student unit, as~~
31 ~~established in subsection 2, plus forty percent of the difference between the~~

- 1 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
2 ~~ten percent of the district's baseline funding per weighted student unit. The~~
3 ~~transition maximum is determined by multiplying the transition maximum~~
4 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
5 ~~this subsection, by the district's weighted student units from the previous~~
6 ~~school year.~~
- 7 (5) ~~For the 2025-26 school year, the transition maximum rate is one hundred~~
8 ~~ten percent of the district's baseline funding per weighted student unit, as~~
9 ~~established in subsection 2, plus sixty percent of the difference between the~~
10 ~~rate under paragraph 1 of subdivision b of this subsection and one hundred~~
11 ~~ten percent of the district's baseline funding per weighted student unit. The~~
12 ~~transition maximum is determined by multiplying the transition maximum~~
13 ~~rate, which may not exceed the rate under paragraph 1 of subdivision b of~~
14 ~~this subsection, by the district's weighted student units from the previous~~
15 ~~school year.~~
- 16 (6) ~~For the 2026-27 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, plus eighty percent of the difference between~~
19 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
20 ~~one hundred ten percent of the district's baseline funding per weighted~~
21 ~~student unit. The transition maximum is determined by multiplying the~~
22 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
23 ~~of subdivision b of this subsection, by the district's weighted student units~~
24 ~~from the previous school year.~~
- 25 4. After determining the product in accordance with subsection 3, the superintendent of
26 public instruction shall:
- 27 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
28 school district; and
- 29 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
30 subdivisions c and d of subsection 1. Before determining the deduction for

1 seventy-five percent of all revenue types, the superintendent of public instruction
2 shall adjust revenues as follows:

3 (1) Tuition revenue shall be adjusted as follows:

4 (a) In addition to deducting tuition revenue received specifically for the
5 operation of an educational program provided at a residential
6 treatment facility, tuition revenue received for the provision of an adult
7 farm management program, and tuition received under an agreement
8 to educate students from a school district on an air force base with
9 funding received through federal impact aid as directed each school
10 year in paragraph 3 of subdivision c of subsection 1, the
11 superintendent of public instruction also shall reduce the total tuition
12 reported by the school district by the amount of tuition revenue
13 received for the education of students not residing in the state and for
14 which the state has not entered a cross-border education contract;
15 and

16 (b) The superintendent of public instruction also shall reduce the total
17 tuition reported by admitting school districts meeting the requirements
18 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
19 of tuition revenue received for the education of students residing in an
20 adjacent school district.

21 (2) After adjusting tuition revenue as provided in paragraph 1, the
22 superintendent shall reduce all remaining revenues from all revenue types
23 by the percentage of mills levied in ~~2020~~2022 by the school district for
24 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
25 school district for all purposes.

26 5. The amount remaining after the computation required under subsection 4 is the
27 amount of state aid to which a school district is entitled, subject to any other statutory
28 requirements or limitations.

29 6. On or before June thirtieth of each year, the school board shall certify to the
30 superintendent of public instruction the final average daily membership for the current
31 school year.

- 1 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
2 with the school districts, shall report the following to the superintendent of public
3 instruction on an annual basis:
- 4 a. The amount of revenue received by each school district in the county during the
5 previous school year for each type of revenue identified in subdivisions c and d of
6 subsection 1;
- 7 b. The total number of mills levied in the previous calendar year by each school
8 district for all purposes; and
- 9 c. The number of mills levied in the previous calendar year by each school district
10 for sinking and interest fund purposes.

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

13 Private tutors.

14 A school district shall permit private tutors to provide tutoring services on school premises.

15 **SECTION 13. AMENDMENT.** Section 15.1-36-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-36-02. Coal development trust fund - Board of university and school lands -**
18 **School construction projects - Unanticipated construction projects and emergency**
19 **repairs - Loans.**

- 20 1. Up to sixty million dollars from the coal development trust fund is available to the
21 board of university and school lands for loans under this section.
- 22 2. To be eligible for a loan under this section, the school district must demonstrate a need
23 based on an unanticipated construction project, an unanticipated replacement project,
24 or an emergency repair or situation, and the board of a school district shall:
- 25 a. Obtain the approval of the superintendent of public instruction for the construction
26 project under section 15.1-36-01; and
- 27 b. Submit to the superintendent of public instruction an application containing all
28 information deemed necessary by the superintendent, including potential
29 alternative sources or methods of financing the construction project.
- 30 3. The superintendent of public instruction shall consider each loan application in the
31 order #the application received approval under section 15.1-36-01.

- 1 4. If the superintendent of public instruction approves the loan, the board of university
2 and school lands shall issue a loan from the coal development trust fund.
- 3 a. For a loan made under this section:
- 4 ~~a.~~ (1) The minimum loan amount is two hundred fifty thousand dollars and the
5 maximum loan amount for which a school district may qualify is ~~two~~five
6 million dollars;
- 7 ~~b.~~ (2) The term of the loan is twenty years, unless the board of the school district
8 requests a shorter term in the written loan application; and
- 9 ~~e.~~ (3) The interest rate of the loan may not exceed two percent per year.
- 10 b. For a loan made under this section which includes additional expenses due to
11 unanticipated construction inflation:
- 12 (1) The unanticipated construction inflation must have occurred for a
13 construction project bid after January 1, 2021, and before June 30, 2024;
- 14 (2) The maximum loan amount for which a school district may qualify is five
15 million dollars;
- 16 (3) The interest rate on the loan may not exceed two percent per year;
- 17 (4) The term of the loan is twenty years, unless the board of the school district
18 requests a shorter term in the written loan application; and
- 19 (5) The school district may pledge revenues derived from its general fund levy
20 authority or other sources of revenue authorized by law.
- 21 5. a. If a school district seeking a loan under this section received an allocation of the
22 oil and gas gross production tax during the previous fiscal year in accordance
23 with chapter 57-51, the board of the district shall provide to the board of
24 university and school lands, and to the state treasurer, its evidence of
25 indebtedness indicating ~~that~~ the loan originated under this section.
- 26 b. If the evidence of indebtedness is payable solely from the school district's
27 allocation of the oil and gas gross production tax in accordance with section
28 57-51-15, the loan does not constitute a general obligation of the school district
29 and may not be considered a debt of the district.
- 30 c. If a loan made to a school district is payable solely from the district's allocation of
31 the oil and gas gross production tax in accordance with section 57-51-15, the

1 terms of the loan must require ~~that~~ the state treasurer withhold the dollar amount
2 or percentage specified in the loan agreement, from each of the district's oil and
3 gas gross production tax allocations, in order to repay the principal and interest of
4 the evidence of indebtedness. The state treasurer shall deposit the amount
5 withheld into the fund from which the loan originated.

6 d. Any evidence of indebtedness executed by the board of a school district under
7 this subsection is a negotiable instrument and not subject to taxation by the state
8 or any political subdivision of the state.

9 6. For purposes of this section, a "construction project" means the purchase, lease,
10 erection, or improvement of any structure or facility by a school board, provided the
11 acquisition or activity is within a school board's authority.

12 **SECTION 14. AMENDMENT.** Section 15.1-36-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-36-04. Evidences of indebtedness.**

15 The board of a school district may issue and sell evidences of indebtedness under
16 ~~chapter~~ chapters 21-02 and 21-03 to finance the construction or improvement of a project
17 approved under this chapter. The principal amount of the loan and the evidences of
18 indebtedness to repay the loan may not exceed the loan amount for which the district is eligible
19 under ~~this~~ chapter 21-03. Evidences of indebtedness issued under this chapter constitute a
20 general obligation of the school district.

21 **SECTION 15. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
24 shall issue a loan from the school construction assistance revolving loan fund. For a
25 loan made under this section:

26 a. ~~The~~ if the school construction project totals less than seventy-five million dollars,
27 the maximum loan amount for which a school district may qualify is ten million
28 dollars. However, if a school district's unobligated general fund balance on the
29 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
30 loan amount under this section may not exceed eighty percent of the project's
31 cost up to a maximum loan amount of eight million dollars;

- 1 b. If the school construction project totals seventy-five million dollars or more, the
2 maximum loan amount for which a school district may qualify is fifty million
3 dollars. However, if a school district's unobligated general fund balance on the
4 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
5 loan amount under this section may not exceed eighty percent of the project's
6 cost up to a maximum loan amount of forty million dollars;
- 7 c. The term of the loan is twenty years, unless the board of the school district
8 requests a shorter term in the written loan application; and
- 9 e.d. The interest rate of the loan may not exceed two percent per year.
- 10 e. A district with a school construction loan secured on the open bond market may
11 apply to refinance the loan when callable with the school construction assistance
12 revolving loan fund under this subsection.
- 13 f. A district that qualifies for a loan under subdivision b, which was approved for a
14 loan of up to ten million dollars for a construction project bid after January 1,
15 2021, and before June 30, 2024, may apply for a loan in an amount equal to the
16 difference between fifty million dollars and the amount of the approved loan.

17 ~~SECTION 12. LEGISLATIVE MANAGEMENT STUDY – SCHOOL TRANSPORTATION~~
18 ~~SERVICES FUNDING. During the 2023–25 interim, the legislative management shall study~~
19 ~~school transportation services funding. The study must include a review of the formula for~~
20 ~~funding school transportation services and an assessment of whether a factor-based model~~
21 ~~would fund school transportation more appropriately. The legislative management shall report~~
22 ~~its findings and recommendations, together with any legislation required to implement the~~
23 ~~recommendations, to the sixty-ninth legislative assembly.~~

24 **SECTION 16. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE**
25 **BOARD OF PUBLIC SCHOOL EDUCATION.**

- 26 1. During the 2023-24 interim, the legislative management shall consider studying the
27 composition of the state board of public school education. The study must include:
- 28 a. An analysis of the state board of public school education boundaries, including a
29 comparison of methodologies for creating the boundaries;
- 30 b. An analysis of the inclusion of representatives from small, large, urban, and rural
31 schools on the board;

- 1 c. An evaluation of term limits for board members, including staggering terms to
 - 2 ensure continuity of knowledge;
 - 3 d. An evaluation of the benefits and consequences of requiring the composition of
 - 4 the board to include two school district superintendents, two members of a board
 - 5 of a school district, and two citizens at large;
 - 6 e. An evaluation of the benefits and consequences of requiring a minimum or
 - 7 maximum number of candidates to be submitted to the governor and permitting
 - 8 the governor to request a new list of potential candidates once; and
 - 9 f. An analysis of the role and practices of the county superintendent of schools.
- 10 2. The legislative management shall report its findings and recommendations, together
- 11 with any legislation required to implement the recommendations, to the sixty-ninth
- 12 legislative assembly.

13 **SECTION 17. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE -**

14 **REPORT TO LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the superintendent of

15 public instruction shall establish a teacher shortage and military families task force to examine

16 employer recruitment needs, applicable state regulations, and benefit options for kindergarten

17 through grade twelve educators within the state, including potential barriers to military personnel

18 and spouses teaching in the classroom. The task force shall identify immediate and long-term

19 public policy strategies to address teacher shortage and support for military families and

20 spouses. The task force shall report its findings and recommendations, together with any

21 legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

22 **SECTION 18. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS**

23 **FOR FREE MEALS.** There is appropriated out of any moneys in the general fund in the state

24 treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be

25 necessary, to the department of public instruction for the purpose of providing grants to school

26 districts to defray the expenses of providing meals, free of charge, for all students enrolled in

27 public school at or below two hundred percent of the federal poverty guideline, for the biennium

28 beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall

29 develop guidelines and reporting requirements for the grants.

30 **SECTION 19. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**

31 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any

1 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
2 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
3 instruction for the purpose of supporting professional learning related to the science of reading
4 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
5 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
6 regional education associations to ensure continuity of access to science of reading training
7 opportunities and develop support processes to deepen science of reading implementation. The
8 superintendent of public instruction shall provide quarterly reports to the legislative
9 management on the implementation and effectiveness of this appropriation on improving
10 educational outcomes, including the number of teachers trained, an anticipated timeline of
11 results trends, and any results trends available.

12 **SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
13 **PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING.** There is appropriated out
14 of any moneys in the public instruction fund in the state treasury, not otherwise appropriated,
15 the sum of \$279,000, or so much of the sum as may be necessary, to the department of public
16 instruction for the purpose of providing training in identification of dyslexia characteristics to one
17 educator in every school that instructs students in kindergarten through third grade for one year,
18 for the biennium beginning July 1, 2023, and ending June 30, 2025.

19 **SECTION 21. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
20 **PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING.** There is
21 appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise
22 appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the
23 department of public instruction for the purpose of providing training in a reading learning
24 platform approved by the superintendent of public instruction to one educator in every school
25 that instructs students in kindergarten through third grade for two years, for the biennium
26 beginning July 1, 2023, and ending June 30, 2025.

27 **SECTION 22. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**
28 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
29 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
30 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
31 Session Laws, the lesser of \$1,000,000 or the remaining amount must be continued into the

1 2023-25 biennium and the office of management and budget shall transfer this amount into the
2 public instruction fund for the purpose of funding professional learning related to the science of
3 reading and implementing systematic direct literacy instruction as appropriated in section ~~40~~19
4 of this Act.

5 **SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

6 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
7 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
8 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
9 Session Laws, the lesser of \$837,000 or the remaining amount must be continued into the
10 2023-25 biennium and the office of management and budget shall transfer this amount into the
11 public instruction fund for the purpose of funding training in identification of dyslexia
12 characteristics and reading training for kindergarten through grade three teachers as
13 appropriated in sections 20 and 21 of this Act.

14 **SECTION 24. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
15 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
16 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
17 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
18 and ending June 30, 2025.

19 **SECTION 25. EFFECTIVE DATE.** Section ~~5~~9 of this Act becomes effective on July 1, 2024.

20 **SECTION 26. EXPIRATION DATE.** Section 13 of this Act is effective through June 30,
21 2025, and after that date is ineffective.

22 **SECTION 27. EMERGENCY.** Section 13 of this Act is declared to be an emergency
23 measure.



Legislative Directed Loan Programs School Construction

Timeline of School Construction Revolving Loan Fund

2015 Legislative Session

- Legislature made a decision to offer a low interest revolving loan fund for schools
- Put legislation in place to enable BND to offer the demonstration program utilizing a buydown approach (5% down to 2%)
- In the 2015-2017 Biennium, BND made \$123,000,000 in loans to school districts.

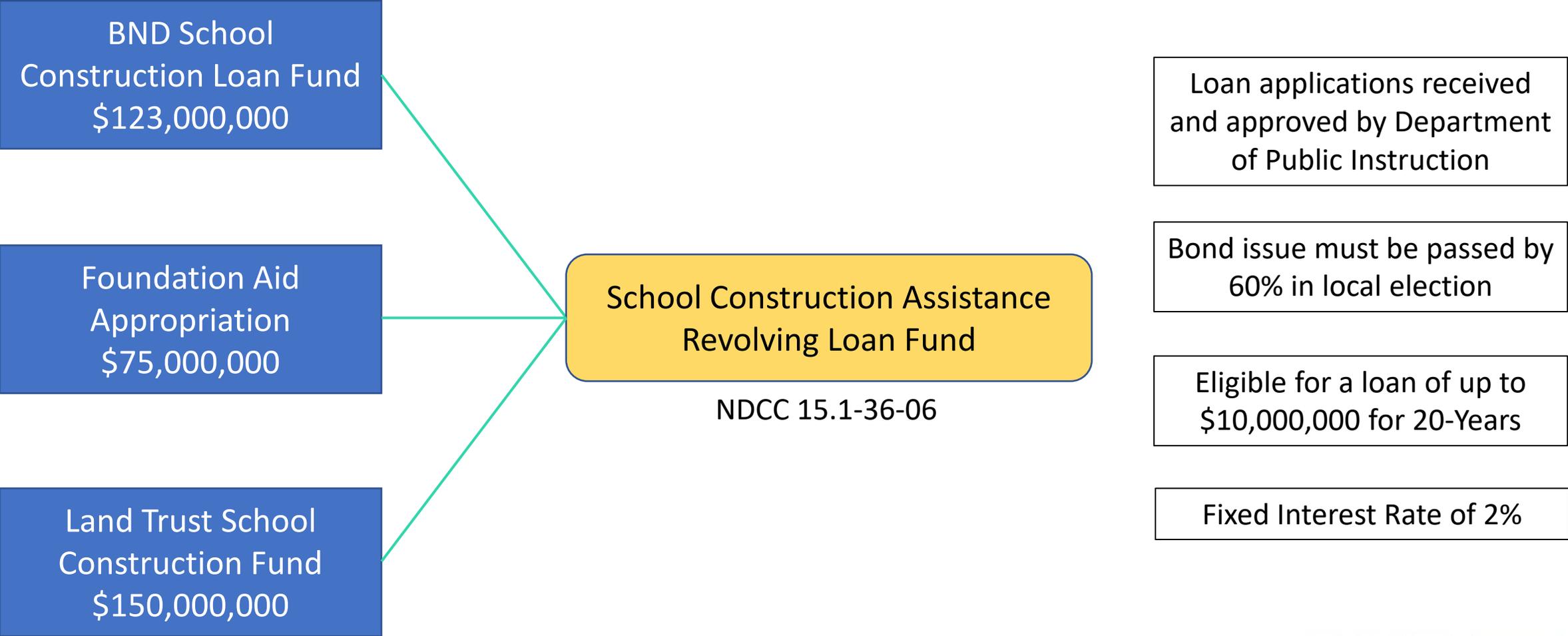


2016 Ballot Measure

- Legislature Passed SCR4003 to place a measure on the ballot
- Measure 2 passed in the 2016 general election enabling legislature to access excess revenues in the Foundation Aid Stabilization Fund for education purposes.

Timeline of School Construction Revolving Loan Fund

2017 Became the “Merge” Session



Current Status of SCARLF—January 2023

Cash Balance		38,498,289.00
Repayments through 6/30/2023		15,393,970.00
Available Funds		53,892,259.00
In Construction Commitments		8,716,425.00
Approved Commitments		30,000,000.00
Pending Applications		10,000,000.00
Current Available		5,175,834.00
2023 - 2025 Repayments		45,000,000.00
Available for New Loans 2023-2025		50,175,834.00

Total Loans Outstanding: \$311,000,000

SCALF with \$75 million appropriation from SB 2284
Allows for \$85 million of new loans per biennium

	2023	2024	2025	2026	2027	2028	2029	2030
Beginning Cash	\$ 5,175,834.00	\$ 63,929,930.25	\$ 47,710,923.98	\$ 34,031,810.99	\$ 22,905,587.08	\$ 14,345,248.04	\$ 8,363,789.68	\$ 4,974,207.80
Appropriation	\$ 75,000,000.00							
Draws Funded	\$ (40,000,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)	\$ (42,500,000.00)
Admin Fee	\$ (1,694,239.22)	\$ (1,766,501.74)	\$ (1,825,768.46)	\$ (1,872,039.38)	\$ (1,905,314.51)	\$ (1,925,593.83)	\$ (1,932,877.35)	\$ (1,927,165.08)
Repayments	\$ 25,448,335.47	\$ 28,047,495.47	\$ 30,646,655.47	\$ 33,245,815.47	\$ 35,844,975.47	\$ 38,444,135.47	\$ 41,043,295.47	\$ 43,642,455.47
Ending Cash	\$ 63,929,930.25	\$ 47,710,923.98	\$ 34,031,810.99	\$ 22,905,587.08	\$ 14,345,248.04	\$ 8,363,789.68	\$ 4,974,207.80	\$ 4,189,498.19
Beginning Loans	\$ 324,296,178.84	\$ 338,847,843.37	\$ 353,300,347.90	\$ 365,153,692.43	\$ 374,407,876.96	\$ 381,062,901.49	\$ 385,118,766.02	\$ 386,575,470.55
Draws Funded	\$ 40,000,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00	\$ 42,500,000.00
Repayments	\$ (25,448,335.47)	\$ (28,047,495.47)	\$ (30,646,655.47)	\$ (33,245,815.47)	\$ (35,844,975.47)	\$ (38,444,135.47)	\$ (41,043,295.47)	\$ (43,642,455.47)
Ending Loans	\$ 338,847,843.37	\$ 353,300,347.90	\$ 365,153,692.43	\$ 374,407,876.96	\$ 381,062,901.49	\$ 385,118,766.02	\$ 386,575,470.55	\$ 385,433,015.08

Policy Proposal in SB2284

SECTION 9. AMENDMENT. Subsection 5 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

- 1 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
- 2 shall issue a loan from the school construction assistance revolving loan fund. For a
- 3 loan made under this section:
 - 4 a. ~~The~~ if the school construction project totals less than seventy-five million dollars,
 - 5 the maximum loan amount for which a school district may qualify is ten million
 - 6 dollars. However, if a school district's unobligated general fund balance on the
 - 7 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
 - 8 loan amount under this section may not exceed eighty percent of the project's
 - 9 cost up to a maximum loan amount of eight million dollars;
 - 10 b. If the school construction project totals seventy-five million dollars or more, the
 - 11 maximum loan amount for which a school district may qualify is fifty million
 - 12 dollars. However, if a school district's unobligated general fund balance on the
 - 13 preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the
 - 14 loan amount under this section may not exceed eighty percent of the project's
 - 15 cost up to a maximum loan amount of forty million dollars;
 - 16 c. The term of the loan is twenty years, unless the board of the school district
 - 17 requests a shorter term in the written loan application; and
 - 18 e.d. The interest rate of the loan may not exceed two percent per year.

School Construction Project Under \$75m remains at \$10m loan limit

School Construction Project Over \$75m increases loan limit to \$50m



Policy Proposal in SB2284

19 **SECTION 10. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
20 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
21 budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the
22 school construction assistance revolving loan fund during the biennium beginning July 1, 2023,
23 and ending June 30, 2025.

Existing School Construction Loans

School Construction Assistance

January 2023

Name	City	State	Original Note Date	Principal Balance
PARK RIVER AREA SCHOOL DIST #8	PARK RIVER	ND	8/6/2015	\$5,902,983.19
MINTO PUBLIC SCH DISTRICT #20	MINTO	ND	8/7/2015	\$3,536,858.58
KULM PUBLIC SCHOOL DISTRICT #7	KULM	ND	9/15/2015	\$2,698,718.99
WILLISTON BASIN SCHOOL DIST007	WILLISTON	ND	9/25/2015	\$13,634,675.44
NEDROSE SCHOOL DISTRICT #4	MINOT	ND	10/27/2015	\$7,244,605.90
ALEXANDER PUBLIC SCHL DIS NO 2	ALEXANDER	ND	12/15/2015	\$5,674,695.07
GRENORA PUBLIC SCHOOL DIST #99	GRENORA	ND	12/2/2015	\$3,339,911.00
DICKINSON PUBLIC SCHOOL DIS #1	DICKINSON	ND	4/1/2016	\$7,940,734.47
HILLSBORO PUBLIC SCHOOL DIST#9	HILLSBORO	ND	8/11/2016	\$791,417.83
SOUTH HEART SCHOOL DIST 9	SOUTH HEART	ND	9/1/2016	\$5,183,677.98
STRASBURG PUBLIC SCHOOL DIST	STRASBURG	ND	10/12/2016	\$2,086,839.17
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	6/29/2017	\$4,232,096.45
CARRINGTON PUBLIC SCHOOL DIST	CARRINGTON	ND	11/15/2016	\$7,633,382.12
FLASHER PUBLIC SCHOOL DIST #39	FLASHER	ND	12/1/2016	\$3,640,644.50
DIVIDE COUNTY PUB SCHOOL DIST	CROSBY	ND	2/1/2017	\$5,272,800.78

MAPLETON PUBLIC SCHOOL DIST	MAPLETON	ND	2/22/2017	\$3,891,976.85
MOTT REGENT SCHOOL DIST #1	MOTT	ND	3/1/2017	\$4,401,420.77
EDGELEY PUBLIC SCHOOL DIST #3	EDGELEY	ND	5/3/2017	\$2,180,326.76
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	6/30/2017	\$6,501,048.44
HATTON EIELSON DISTRICT 7	HATTON	ND	8/1/2018	\$5,128,962.75
STANLEY PUBLIC SCHOOL DIST #2	STANLEY	ND	6/25/2015	\$3,492,478.53
MANDAN PUBLIC SCHOOL DIST	MANDAN	ND	8/1/2013	\$6,458,616.18
NORTHERN CASS PUB SCHOOL #97	HUNTER	ND	8/1/2013	\$1,035,899.79
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	6/1/2020	\$9,165,268.46
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	8/1/2013	\$10,385,149.52
WEST FARGO PUB SCHOOL DIST #6	WEST FARGO	ND	4/1/2014	\$5,704,772.42
RICHLAND PUBLIC SCHOOL DIS #44	COLFAX	ND	8/1/2013	\$2,465,133.61
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	8/15/2013	\$641,792.92
NEW ENGLAND PUB SCHOOL DIS #9	NEW ENGLAND	ND	7/1/2019	\$4,941,537.73
SURREY PUBLIC SCHOOL DIST #41	SURREY	ND	8/15/2013	\$555,880.48
TURTLE LAKE-MERCER DIST #72	TURTLE LAKE	ND	11/1/2013	\$1,084,803.99

GRAND FORKS PUB SCHOOL DIST #1	GRAND FORKS	ND	12/2/2013	\$8,950,211.40
WAHPETON PUBLIC SCHOOL DIST#37	WAHPETON	ND	1/22/2014	\$11,483,755.52
GRAFTON PUBLIC SCHOOL DIST #18	GRAFTON	ND	4/1/2014	\$8,419,965.62
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	6/30/2014	\$9,831,385.53
BISMARCK PUBLIC SCHOOL DIST	BISMARCK	ND	9/19/2018	\$8,213,861.28
POWERS LAKE PUB SCHOOL DIST#27	POWERS LAKE	ND	7/1/2014	\$1,254,165.56
MINOT PUBLIC SCHOOL DIST #1	MINOT	ND	11/13/2014	\$12,796,281.06
SOUTH PRAIRIE SCHOOL DIST 70	MINOT	ND	11/14/2014	\$5,577,147.22
TIOGA PUBLIC SCHOOL DIST #15	TIOGA	ND	12/1/2014	\$4,379,255.42
WESTHOPE PUB SCHOOL DIST #17	WESTHOPE	ND	12/1/2014	\$1,963,922.74
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	1/28/2015	\$4,570,287.48
MCKENZIE COUNTY SCHOOL DIST #1	WATFORD CITY	ND	3/1/2020	\$9,064,775.54
CENTRAL CASS PUBLIC SCHOOL	CASSELTON	ND	12/1/2017	\$7,717,816.35
UNITED PUBLIC SCHOOL DISTRICT	DES LACS	ND	5/15/2018	\$7,998,255.26
EIGHT MILE PUBLIC SCHOOL DIST6	TRENTON	ND	6/1/2018	\$7,305,001.71
NEW ROCKFORD SHEYENNE SCHOOL 2	NEW ROCKFORD	ND	6/1/2018	\$2,646,125.35

PARSHALL SCHOOL DISTRICT	PARSHALL	ND	8/9/2018	\$4,614,652.01
BOTTINEAU PUBLIC SCHOOL DIST	BOTTINEAU	ND	8/1/2019	\$6,524,286.48
NORTHWOOD SCHOOL DISTRICT #129	NORTHWOOD	ND	8/1/2019	\$5,042,208.14
ENDERLIN AREA PSD #24	ENDERLIN	ND	6/18/2020	\$1,267,858.10
RUGBY PUBLIC SCHOOL DIST. NO 5	RUGBY	ND	7/1/2022	\$1,824,253.96
LARIMORE PSD NO 44	LARIMORE	ND	7/1/2022	\$435,672.72

23.0267.02003
Title.

Prepared by the Legislative Council staff for
Representative Richter
April 10, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. ~~2013~~²²⁸⁴

Page 1, line 5, remove "and"

Page 1, line 6, after "exemption" insert "; and to provide for a legislative management study"

Page 10, after line 3, insert:

"SECTION 17. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.

1. During the 2023-24 interim, the legislative management shall ~~consider—~~
studying 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."

Renumber accordingly

23.0697.03032
Title.

Prepared by the Legislative Council staff for
Representative Richter
April 11, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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

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

Renumber accordingly

23.0697.03034
Title.

Prepared by the Legislative Council staff for
the House Appropriations - Education and
Environment Division Committee
April 11, 2023

Fiscal No. 2

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 under this section 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
 - d.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	House Changes	House Version
Science of reading Grants - program grants		\$1,000,000	\$6,837,000	\$1,000,000 6,837,000
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.

PROPOSED AMENDMENTS TO SENATE BILL 2284

SECTION 18. 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~~ \$55,000,000, 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~~ five 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.

23.0697.03036

SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Schaible, Elkin

Representatives Heinert, Nathe

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 and a new section to
 2 chapter 15.1-21 of the North Dakota Century Code, relating to school purchases of gifts or
 3 gratuities and permitting private tutors on public school premises; to amend and reenact section-
 4 15.1-01-01sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26, subsection 8 of section
 5 15.1-15-02, ~~subsections~~subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1,
 6 subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section
 7 15.1-36-08 of the North Dakota Century Code, relating to ~~the state board of public school~~
 8 ~~education members~~a policy to revert a reorganized school district back to separate districts,
 9 virtual learning, school district enrollment, the definition of "probationary teacher", a school
 10 district's policy governing possession of a weapon, the definition of "dangerous weapon",
 11 modification of weighting factors~~and~~, transition maximums, and an increase in per student
 12 payments, and the school construction revolving loan fund; to provide for a legislative
 13 management study; to provide a legislative management report; to provide for a teacher
 14 shortage and military families task force; to provide an appropriation; to provide for an
 15 exemption; to provide for a transfer; and to provide an effective date.

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

17 ~~SECTION 1. AMENDMENT. Section 15.1-01-01 of the North Dakota Century Code is~~
 18 ~~amended and reenacted as follows:~~
 19 ~~15.1-01-01. State board of public school education - Composition.~~
 20 ~~1. The state board of public school education consists of the superintendent of public~~
 21 ~~instruction and:~~
 22 ~~a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele,~~
 23 ~~and Traill Counties~~legislative districts ten, eleven, thirteen, sixteen, twenty one,
 24 forty one, forty four, and forty six;

Sixty-eighth
Legislative Assembly

- 1 ~~b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,~~
2 ~~Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties legislative districts~~
3 ~~nine, fifteen, seventeen, eighteen, nineteen, twenty, forty-two, and forty-three;~~
- 4 ~~c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,~~
5 ~~Ransom, Richland, and Sargent Counties legislative districts twelve, twenty-two,~~
6 ~~twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, and forty-five;~~
- 7 ~~d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,~~
8 ~~Stutsman, and Wells Counties legislative districts seven, eight, thirty, thirty-one,~~
9 ~~thirty-two, thirty-four, thirty-five, and forty-seven;~~
- 10 ~~e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and~~
11 ~~Williams Counties legislative districts three, four, five, six, fourteen, thirty-three,~~
12 ~~thirty-eight, and forty; and~~
- 13 ~~f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant,~~
14 ~~Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties legislative~~
15 ~~districts one, two, twenty-three, twenty-six, thirty-six, thirty-seven, and thirty-nine.~~
- 16 ~~2. All board members other than the superintendent of public instruction must be~~
17 ~~qualified electors and must reside in one of the counties districts they represent.~~
- 18 ~~3. The governor shall appoint new board members from a list of three names submitted~~
19 ~~by a committee consisting of the president of North Dakota united or the president's~~
20 ~~designee, the president of the North Dakota council of educational leaders or the~~
21 ~~president's designee, and the president of the North Dakota school boards association~~
22 ~~or the president's designee. Two of the state board members must be members of the~~
23 ~~North Dakota school boards association. Two of the state board members must be~~
24 ~~employed by a North Dakota school district and be active members of the North~~
25 ~~Dakota association of school administrators.~~
- 26 ~~4. Appointees serve for six-year terms, staggered so that the terms of two members~~
27 ~~expire on June thirtieth of each even-numbered year.~~
- 28 ~~5. If a vacancy occurs, the governor shall appoint an individual to serve for the duration~~
29 ~~of the unexpired term.~~
- 30 ~~6. Each member of the board is entitled to receive, from the biennial appropriation for the~~
31 ~~superintendent of public instruction, compensation in the amount of sixty-two dollars~~

1 ~~and fifty cents per day and reimbursement for expenses, as provided by law for state-~~
2 ~~officers, if the member is attending board meetings or performing duties directed by-~~
3 ~~the board. The compensation provided for in this section may not be paid to any-~~
4 ~~member who receives a salary or other compensation as an employee or official of-~~
5 ~~this state if the individual is serving on the board by virtue of the individual's state-~~
6 ~~office or state employment.~~

7 ~~7. The superintendent of public instruction shall serve as the executive director and~~
8 ~~secretary of the board. The superintendent shall call meetings as necessary, carry out~~
9 ~~the policies of the board, and employ personnel necessary to perform the board's~~
10 ~~duties.~~

11 ~~8. The board shall annually elect one member to serve as the chairman.~~

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

14 **15.1-01-03. State board of public school education - Powers and duties.**

- 15 1. The state board of public school education shall:
- 16 a. Assist county committees in carrying out their duties.
 - 17 b. Provide county committees with clerical assistance, plans of procedure,
18 standards, data, maps, forms, and other materials, information, and services.
 - 19 c. Appoint members to the county committee, if the county superintendent does not
20 fulfill this duty, as provided for in section 15.1-10-01.
 - 21 d. Provide oversight for regional education associations as required by chapter
22 15.1-09.1.
 - 23 e. Establish and certify a North Dakota learning continuum to allow a
24 district-approved, mastery framework policy to award units required under
25 sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time
26 requirements under section 15.1-21-03, upon the recommendation of the
27 kindergarten through grade twelve education coordination council.
 - 28 f. Develop a policy and procedures for a school district formed by the
29 reorganization process under chapter 15.1-12 to revert to individual school
30 districts. For a reorganized school district to be eligible for the reversion process,
31 the reorganized school district must have been formed by school districts located

1 in two or more communities, including a rural community, and may not have been
2 formed by school districts that were located in the same city. The board shall
3 develop the policy and procedures on or before January 1, 2024.

- 4 2. The state board of public school education may adopt rules in accordance with
5 chapter 28-32.

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

8 **Purchase of gifts or gratuities - Gift fund.**

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

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

27 **15.1-07-25.4. Virtual learning - School district policy - Report to legislative**
28 **management and legislative assembly.**

29 The board of a school district or governing board of a nonpublic school that operates a
30 physical school plant may adopt a policy to allow students to engage in virtual instruction and in
31 the case of a school district, qualify for average daily membership in the district. The

1 superintendent of public instruction shall adopt rules governing policies under this section. A
2 policy adopted by a school district under this section must comply with the rules adopted by the
3 superintendent of public instruction. The superintendent of public instruction shall provide
4 ~~biennial reports~~an annual report to the legislative management ~~regarding~~in even-numbered
5 years and the legislative assembly in odd-numbered years comparing the academic
6 performance ~~metries~~ of students participating in virtual instruction with students not participating
7 in virtual instruction under this section using state assessment data. If the superintendent of
8 public instruction does not have access to academic performance reports of a school district's
9 virtual instruction subgroup because of low group size, information must be reported in the
10 aggregate.

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

13 **15.1-07-26. School district ~~demographics~~enrollment - ~~Long-term planning~~**
14 **~~process~~Review - Report.**

15 1. Between January first and June thirtieth of every even-numbered year, the board of
16 each school district shall invite the public to participate in a ~~planning process~~review
17 addressing the effects ~~that demographics might~~decreasing or increasing enrollment
18 will have on the district in the ensuing three-year and five-year periods, and
19 specifically addressing potential effects on:

20 a. Academic ~~and extracurricular programs~~achievement, as it relates to the local
21 strategic plan, including progress toward state academic goals adopted by the
22 statewide prekindergarten through grade twelve education strategic vision
23 steering committee;

24 b. Instructional ~~and~~ administrative, ~~and ancillary~~ staffing;

25 c. Co-curricular or extracurricular programs;

26 d. Facility needs and utilization; and

27 ~~d.e.~~ District property tax levies.

28 2. At the conclusion of the ~~planning process~~review, the board shall prepare a report,
29 ~~publish a notice in the official newspaper of the district indicating that the report is~~
30 ~~available~~make the report available on the district website, and make the report
31 available upon request.

1 **SECTION 5. AMENDMENT.** Subsection 8 of section 15.1-15-02 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 8. For purposes of this section, "probationary teacher" means an individual teaching for
4 less than two years in the school district.

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

7 2. The policy must ~~prohibit~~:

8 a. Prohibit the possession of a dangerous weapon or a firearm by a student on
9 school property and at school functions and provide for the punishment of any
10 student found to be in violation. ~~Punishment must include immediate suspension~~
11 ~~from school and expulsion. A~~

12 b. Require a student who possesses a firearm in violation of this section ~~must~~ to be
13 expelled for at least one year. ~~The school district firearms policy must authorize~~

14 c. Authorize the school district superintendent or the school principal, if the school
15 district does not have a superintendent, to modify an expulsion for firearms
16 possession under this section on a case-by-case basis in accordance with criteria
17 established by the board. Before expelling a student, a school board or its
18 designated hearing officer, within ten days of the student's suspension, shall
19 provide the student with a hearing at which time the school board or its
20 designated hearing officer shall take testimony and consider evidence, including
21 the existence of mitigating circumstances. If a designated hearing officer orders
22 that a student be expelled, the student may seek a review of the decision by the
23 school board, based on the record of the expulsion hearing.

24 d. Include a referral mechanism to the criminal justice or juvenile delinquency
25 system for a student who possesses a firearm in violation of this subsection.

26 **SECTION 7. AMENDMENT.** Subsection 6 of section 15.1-19-10 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 6. For purposes of this section:

29 a. "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

30 b. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
31 18 U.S.C. 921].

1 ~~b.c.~~ "School property" includes all land within the perimeter of the school site and all
2 school buildings, structures, facilities, and school vehicles, whether owned or
3 leased by a school district, and the site of any school-sponsored event or activity.

4 ~~c.~~ ~~"Weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto,~~
5 ~~sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any~~
6 ~~throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap,~~
7 ~~bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and~~
8 ~~arrow, crossbow, or spear; any weapon that will expel, or is readily capable of~~
9 ~~expelling, a projectile by the action of a spring, compressed air, or compressed~~
10 ~~gas, including any such weapon, loaded or unloaded, commonly referred to as a~~
11 ~~BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object~~
12 ~~containing or capable of producing and emitting any noxious liquid, gas, or~~
13 ~~substance. The term does not include a spray or aerosol containing CS, also~~
14 ~~known as ortho-chlorobenzamalonitrile; CN, also known as alpha-~~
15 ~~chloroacetophenone; or other irritating agent intended for use in the defense of~~
16 ~~an individual, nor does the term include a device that uses voltage for the~~
17 ~~defense of an individual, unless the device uses a projectile and voltage or the~~
18 ~~device uses a projectile and may be used to apply multiple applications of voltage~~
19 ~~during a single incident, then the term includes the device for an individual who is~~
20 ~~prohibited from possessing a firearm under this title.~~

21 **SECTION 8.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Private tutors.**

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

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

28 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 29 1. For each school district, the superintendent of public instruction shall multiply by:
30 a. 1.00 the number of full-time equivalent students enrolled in an extended
31 educational program in accordance with section 15.1-32-17;

Sixty-eighth
Legislative Assembly

- 1 b. 0.60 the number of full-time equivalent students enrolled in a summer education
2 program, including a migrant summer education program;
- 3 c. 0.40 the number of full-time equivalent students who:
4 (1) On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be least proficient and placed in the first
6 of six categories of proficiency; and
7 (2) Are enrolled in a program of instruction for English language learners;
- 8 d. 0.28 the number of full-time equivalent students who:
9 (1) On a test of English language proficiency approved by the superintendent of
10 public instruction are determined to be more proficient than students placed
11 in the first of six categories of proficiency and therefore placed in the second
12 of six categories of proficiency; and
13 (2) Are enrolled in a program of instruction for English language learners;
- 14 e. 0.25 the number of full-time equivalent students under the age of twenty-one
15 enrolled in grades nine through twelve in an alternative high school;
- 16 f. 0.20 the number of full-time equivalent students enrolled in a home-based
17 education program and monitored by the school district under chapter 15.1-23;
- 18 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
19 special education program;
- 20 h. 0.15 the number of full-time equivalent students in grades six through eight
21 enrolled in an alternative education program for at least an average of fifteen
22 hours per week;
- 23 i. 0.10 the number of students enrolled in average daily membership, if the district
24 has fewer than one hundred students enrolled in average daily membership and
25 the district consists of an area greater than two hundred seventy-five square
26 miles [19424.9 hectares], provided that any school district consisting of an area
27 greater than six hundred square miles [155399 hectares] and enrolling fewer than
28 fifty students in average daily membership must be deemed to have an
29 enrollment equal to fifty students in average daily membership;
- 30 j. ~~0.082~~0.088 the number of students enrolled in average daily membership, in
31 order to support the provision of special education services;

- 1 k. 0.07 the number of full-time equivalent students who:
- 2 (1) On a test of English language proficiency approved by the superintendent of
- 3 public instruction are determined to be more proficient than students placed
- 4 in the second of six categories of proficiency and therefore placed in the
- 5 third of six categories of proficiency;
- 6 (2) Are enrolled in a program of instruction for English language learners; and
- 7 (3) Have not been in the third of six categories of proficiency for more than
- 8 three years;
- 9 l. 0.025 the number of students representing that percentage of the total number of
- 10 students in average daily membership which is equivalent to the three-year
- 11 average percentage of students in grades three through eight who are eligible for
- 12 free or reduced lunches under the Richard B. Russell National School Lunch Act
- 13 [42 U.S.C. 1751 et seq.];
- 14 m. 0.002 the number of students enrolled in average daily membership in a school
- 15 district that is a participating member of a regional education association meeting
- 16 the requirements of chapter 15.1-09.1;
- 17 n. ~~0.60~~1.0 the number of students by which the district's September tenth
- 18 enrollment report, adjusted for students that will generate average daily
- 19 membership, exceeds the number of students in the prior year's average daily
- 20 membership ~~increasing the factor annually by 0.10, not to exceed 1.00~~; and
- 21 o. For districts paid based on September tenth enrollment in the prior year, ~~0.50~~0.70
- 22 the number of students determined by deducting the number of students in the
- 23 prior year's September tenth enrollment, adjusted for students that will generate
- 24 average daily membership, from the prior year's average daily membership,
- 25 increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's
- 26 September tenth enrollment exceeds the prior year's average daily membership,
- 27 then a deduction of 0.50 the number of excess students, increasing the factor
- 28 annually by 0.10, not to exceed 1.00.
- 29 2. The superintendent of public instruction shall determine each school district's weighted
- 30 average daily membership by adding the products derived under subsection 1 to the
- 31 district's average daily membership.

1 **SECTION 10. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the
2 North Dakota Century Code is amended and reenacted as follows:

3 o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00
4 the number of students determined by deducting the number of students in the
5 prior year's September tenth enrollment, adjusted for students that will generate
6 average daily membership, from the prior year's average daily membership,
7 ~~increasing the factor annually by 0.10, not to exceed 1.00~~. If the prior year's
8 September tenth enrollment exceeds the prior year's average daily membership,
9 then a deduction of ~~0.50~~1.00 the number of excess students, ~~increasing the~~
10 ~~factor annually by 0.10, not to exceed 1.00~~.

11 **SECTION 11. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 4. The school district size weighting factor determined under this section and multiplied
14 by a school district's weighted average daily membership equals the district's weighted
15 student units. ~~For the 2022-23 school year, for school districts that operate multiple~~
16 ~~kindergarten through grade twelve buildings at least nineteen~~fourteen miles
17 ~~[30.58~~22.53 kilometers] apart, or multiple buildings at least ~~nineteen~~fourteen miles
18 ~~[30.58~~22.53 kilometers] apart with no replicated grades, the superintendent of public
19 instruction shall determine the school size weighting factor for each building
20 separately, with no adjustment for elementary schools. The superintendent of public
21 instruction shall multiply the school size weighting factor for each building by the
22 school district's weighted average daily membership to determine each building's
23 weighted student units. The superintendent of public instruction shall combine the
24 weighted student units of all buildings in the school district to determine the school
25 district's weighted student units.

26 **SECTION 12. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is
27 amended and reenacted as follows:

1 **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective**
2 **through June 30, 2025)**

- 3 1. To determine the amount of state aid payable to each district, the superintendent of
4 public instruction shall establish each district's baseline funding. A district's baseline
5 funding consists of:
- 6 a. All state aid received by the district in accordance with chapter 15.1-27 during the
7 2018-19 school year;
 - 8 b. An amount equal to the property tax deducted by the superintendent of public
9 instruction to determine the 2018-19 state aid payment;
 - 10 c. An amount equal to seventy-five percent of the revenue received by the school
11 district during the 2017-18 school year for the following revenue types:
 - 12 (1) Revenue reported under code 2000 of the North Dakota school district
13 financial accounting and reporting manual, as developed by the
14 superintendent of public instruction in accordance with section 15.1-02-08;
 - 15 (2) Mineral revenue received by the school district through direct allocation from
16 the state treasurer and not reported under code 2000 of the North Dakota
17 school district financial accounting and reporting manual, as developed by
18 the superintendent of public instruction in accordance with section
19 15.1-02-08;
 - 20 (3) Tuition reported under code 1300 of the North Dakota school district
21 financial accounting and reporting manual, as developed by the
22 superintendent of public instruction in accordance with section 15.1-02-08,
23 with the exception of revenue received specifically for the operation of an
24 educational program provided at a residential treatment facility, tuition
25 received for the provision of an adult farm management program, and
26 beginning in the 2021-22 school year, seventeen percent of tuition received
27 under an agreement to educate students from a school district on an
28 air force base with funding received through federal impact aid, and an
29 additional seventeen percent of tuition received under an agreement to
30 educate students from a school district on an air force base with funding
31 received through federal impact aid each school year thereafter, until the

- 1 2024-25 school year when sixty-eight percent of tuition received under an
2 agreement to educate students from a school district on an air force base
3 with funding received through federal impact aid must be excluded from the
4 tuition calculation under this paragraph;
- 5 (4) Revenue from payments in lieu of taxes on the distribution and transmission
6 of electric power;
- 7 (5) Revenue from payments in lieu of taxes on electricity generated from
8 sources other than coal; and
- 9 (6) Revenue from the leasing of land acquired by the United States for which
10 compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- 11 d. An amount equal to the total revenue received by the school district during the
12 2017-18 school year for the following revenue types:
- 13 (1) Mobile home tax revenue;
- 14 (2) Telecommunications tax revenue; and
- 15 (3) Revenue from payments in lieu of taxes and state reimbursement of the
16 homestead credit and disabled veterans credit; and
- 17 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
18 baseline funding for any school district that becomes an elementary district
19 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
20 be proportional to the number of weighted student units in the grades that are
21 offered through another school district relative to the total number of weighted
22 student units the school district offered in the year before the school district
23 became an elementary district. The reduced baseline funding applies to the
24 calculation of state aid for the first school year in which the school district
25 becomes an elementary district and for each year thereafter. For districts that
26 become an elementary district prior to the 2020-21 school year, the
27 superintendent shall use the reduced baseline funding to calculate state aid for
28 the 2020-21 school year and for each year thereafter.
- 29 2. a. The superintendent shall divide the district's baseline funding determined in
30 subsection 1 by the district's 2017-18 weighted student units to determine the
31 district's baseline funding per weighted student unit.

Sixty-eighth
Legislative Assembly

- 1 b. For any school district that becomes an elementary district pursuant to section
2 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
3 district's baseline funding per weighted student unit used to calculate state aid.
4 The superintendent shall divide the district's baseline funding determined in
5 subsection 1 by the district's weighted student units after the school district
6 becomes an elementary district to determine the district's adjusted baseline
7 funding per weighted student unit. The superintendent shall use the district's
8 adjusted baseline funding per weighted student unit in the calculation of state aid
9 for the first school year in which the school district becomes an elementary
10 district and for each year thereafter.
- 11 c. Beginning with the 2021-22 school year and for each school year thereafter, the
12 superintendent shall reduce the district's baseline funding per weighted student
13 unit. Each year the superintendent shall calculate the amount by which the
14 district's baseline funding per weighted student unit exceeds the payment per
15 weighted student unit provided in subsection 3. The superintendent shall reduce
16 the district's baseline funding per weighted student unit by fifteen percent of the
17 amount by which the district's baseline funding per weighted student unit exceeds
18 the payment per weighted student unit for the 2021-22 school year. For each
19 year thereafter, the reduction percentage is increased by an additional fifteen
20 percent. However, the district's baseline funding per weighted student unit, after
21 the reduction, may not be less than the payment per weighted student unit
22 provided in subsection 3.
- 23 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
24 as the greater of:
- 25 (1) The district's weighted student units multiplied by ten thousand ~~one hundred~~
26 ~~thirty-six~~ five hundred ~~forty-four~~ ninety-five dollars;
- 27 (2) One hundred two percent of the district's baseline funding per weighted
28 student unit, as established in subsection 2, multiplied by the district's
29 weighted student units, not to exceed the district's 2017-18 baseline
30 weighted student units, plus any weighted student units in excess of the

- 1 2017-18 baseline weighted student units multiplied by ten thousand
2 ~~one hundred thirty-six~~ five hundred ~~forty-four~~ ninety-five dollars; or
- 3 (3) The district's baseline funding as established in subsection 1 less the
4 amount in paragraph 1, with the difference reduced by fifteen percent and
5 then the difference added to the amount determined in paragraph 1.
- 6 b. For the ~~2022-23~~ 2024-25 school year and each school year thereafter, the
7 superintendent shall calculate state aid as the greater of:
- 8 (1) The district's weighted student units multiplied by ten thousand ~~two hundred~~
9 ~~thirty-seven~~ eight hundred sixty-nine hundred thirteen dollars;
- 10 (2) One hundred two percent of the district's baseline funding per weighted
11 student unit, as established in subsection 2, multiplied by the district's
12 weighted student units, not to exceed the district's 2017-18 baseline
13 weighted student units, plus any weighted student units in excess of the
14 2017-18 baseline weighted student units multiplied by ten thousand
15 ~~two hundred thirty-seven~~ eight hundred sixty-nine hundred thirteen dollars; or
- 16 (3) The district's baseline funding as established in subsection 1 less the
17 amount in paragraph 1, with the difference reduced by thirty percent for the
18 2022-23 school year and the reduction percentage increasing by fifteen
19 percent each school year thereafter until the difference is reduced to zero,
20 and then the difference added to the amount determined in paragraph 1.
- 21 ~~e. The superintendent also shall adjust state aid determined in this subsection to~~
22 ~~ensure the amount does not exceed the transition maximum as follows:~~
- 23 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
24 ~~ten percent of the district's baseline funding per weighted student unit, as~~
25 ~~established in subsection 2, multiplied by the district's weighted student~~
26 ~~units from the previous school year.~~
- 27 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
28 ~~ten percent of the district's baseline funding per weighted student unit, as~~
29 ~~established in subsection 2, multiplied by the district's weighted student~~
30 ~~units from the previous school year.~~

- 1 (3) For the 2023-24 school year, the transition maximum rate is one hundred
2 ten percent of the district's baseline funding per weighted student unit, as
3 established in subsection 2, plus twenty percent of the difference between
4 the rate under paragraph 1 of subdivision b of this subsection and
5 one hundred ten percent of the district's baseline funding per weighted
6 student unit. The transition maximum is determined by multiplying the
7 transition maximum rate, which may not exceed the rate under paragraph 1
8 of subdivision b of this subsection, by the district's weighted student units
9 from the previous school year.
- 10 (4) For the 2024-25 school year, the transition maximum rate is one hundred
11 ten percent of the district's baseline funding per weighted student unit, as
12 established in subsection 2, plus forty percent of the difference between the
13 rate under paragraph 1 of subdivision b of this subsection and one hundred
14 ten percent of the district's baseline funding per weighted student unit. The
15 transition maximum is determined by multiplying the transition maximum
16 rate, which may not exceed the rate under paragraph 1 of subdivision b of
17 this subsection, by the district's weighted student units from the previous
18 school year.
- 19 (5) For the 2025-26 school year, the transition maximum rate is one hundred
20 ten percent of the district's baseline funding per weighted student unit, as
21 established in subsection 2, plus sixty percent of the difference between the
22 rate under paragraph 1 of subdivision b of this subsection and one hundred
23 ten percent of the district's baseline funding per weighted student unit. The
24 transition maximum is determined by multiplying the transition maximum
25 rate, which may not exceed the rate under paragraph 1 of subdivision b of
26 this subsection, by the district's weighted student units from the previous
27 school year.
- 28 (6) For the 2026-27 school year, the transition maximum rate is one hundred
29 ten percent of the district's baseline funding per weighted student unit, as
30 established in subsection 2, plus eighty percent of the difference between
31 the rate under paragraph 1 of subdivision b of this subsection and

1 ~~one hundred ten percent of the district's baseline funding per weighted-~~
2 ~~student unit. The transition maximum is determined by multiplying the-~~
3 ~~transition maximum rate, which may not exceed the rate under paragraph 1-~~
4 ~~of subdivision b of this subsection, by the district's weighted student units-~~
5 ~~from the previous school year.~~

6 4. After determining the product in accordance with subsection 3, the superintendent of
7 public instruction shall:

8 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
9 school district, except the amount in dollars subtracted for purposes of this
10 subdivision may not exceed the previous year's amount in dollars subtracted for
11 purposes of this subdivision by more than twelve percent, adjusted pursuant to
12 section 15.1-27-04.3; and

13 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
14 subdivisions c and d of subsection 1. Before determining the deduction for
15 seventy-five percent of all revenue types, the superintendent of public instruction
16 shall adjust revenues as follows:

17 (1) Tuition revenue shall be adjusted as follows:

18 (a) In addition to deducting tuition revenue received specifically for the
19 operation of an educational program provided at a residential
20 treatment facility, tuition revenue received for the provision of an adult
21 farm management program, and tuition received under an agreement
22 to educate students from a school district on an air force base with
23 funding received through federal impact aid as directed each school
24 year in paragraph 3 of subdivision c of subsection 1, the
25 superintendent of public instruction also shall reduce the total tuition
26 reported by the school district by the amount of tuition revenue
27 received for the education of students not residing in the state and for
28 which the state has not entered a cross-border education contract;
29 and

30 (b) The superintendent of public instruction also shall reduce the total
31 tuition reported by admitting school districts meeting the requirements

1 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
2 of tuition revenue received for the education of students residing in an
3 adjacent school district.

4 (2) After adjusting tuition revenue as provided in paragraph 1, the
5 superintendent shall reduce all remaining revenues from all revenue types
6 by the percentage of mills levied in ~~2020~~2022 by the school district for
7 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
8 school district for all purposes.

9 5. The amount remaining after the computation required under subsection 4 is the
10 amount of state aid to which a school district is entitled, subject to any other statutory
11 requirements or limitations.

12 6. On or before June thirtieth of each year, the school board shall certify to the
13 superintendent of public instruction the final average daily membership for the current
14 school year.

15 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
16 with the school districts, shall report the following to the superintendent of public
17 instruction on an annual basis:

18 a. The amount of revenue received by each school district in the county during the
19 previous school year for each type of revenue identified in subdivisions c and d of
20 subsection 1;

21 b. The total number of mills levied in the previous calendar year by each school
22 district for all purposes; and

23 c. The number of mills levied in the previous calendar year by each school district
24 for sinking and interest fund purposes.

25 **Baseline funding - Establishment - Determination of state aid. (Effective after**
26 **June 30, 2025)**

27 1. To determine the amount of state aid payable to each district, the superintendent of
28 public instruction shall establish each district's baseline funding. A district's baseline
29 funding consists of:

30 a. All state aid received by the district in accordance with chapter 15.1-27 during the
31 2018-19 school year;

Sixty-eighth
Legislative Assembly

- 1 b. An amount equal to the property tax deducted by the superintendent of public
2 instruction to determine the 2018-19 state aid payment;
- 3 c. An amount equal to seventy-five percent of the revenue received by the school
4 district during the 2017-18 school year for the following revenue types:
- 5 (1) Revenue reported under code 2000 of the North Dakota school district
6 financial accounting and reporting manual, as developed by the
7 superintendent of public instruction in accordance with section 15.1-02-08;
- 8 (2) Mineral revenue received by the school district through direct allocation from
9 the state treasurer and not reported under code 2000 of the North Dakota
10 school district financial accounting and reporting manual, as developed by
11 the superintendent of public instruction in accordance with section
12 15.1-02-08;
- 13 (3) Tuition reported under code 1300 of the North Dakota school district
14 financial accounting and reporting manual, as developed by the
15 superintendent of public instruction in accordance with section 15.1-02-08,
16 with the exception of revenue received specifically for the operation of an
17 educational program provided at a residential treatment facility, tuition
18 received for the provision of an adult farm management program, and
19 beginning in the 2025-26 school year, eighty-five percent of tuition received
20 under an agreement to educate students from a school district on an
21 air force base with funding received through federal impact aid, until the
22 2026-27 school year, and each school year thereafter, when all tuition
23 received under an agreement to educate students from a school district on
24 an air force base with funding received through federal impact aid must be
25 excluded from the tuition calculation under this paragraph;
- 26 (4) Revenue from payments in lieu of taxes on the distribution and transmission
27 of electric power;
- 28 (5) Revenue from payments in lieu of taxes on electricity generated from
29 sources other than coal; and
- 30 (6) Revenue from the leasing of land acquired by the United States for which
31 compensation is allocated to the state under 33 U.S.C. 701(c)(3); and

- 1 d. An amount equal to the total revenue received by the school district during the
2 2017-18 school year for the following revenue types:
- 3 (1) Mobile home tax revenue;
- 4 (2) Telecommunications tax revenue; and
- 5 (3) Revenue from payments in lieu of taxes and state reimbursement of the
6 homestead credit and disabled veterans credit.
- 7 e. Beginning with the 2020-21 school year, the superintendent shall reduce the
8 baseline funding for any school district that becomes an elementary district
9 pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must
10 be proportional to the number of weighted student units in the grades that are
11 offered through another school district relative to the total number of weighted
12 student units the school district offered in the year before the school district
13 became an elementary district. The reduced baseline funding applies to the
14 calculation of state aid for the first school year in which the school district
15 becomes an elementary district and for each year thereafter. For districts that
16 become an elementary district prior to the 2020-21 school year, the
17 superintendent shall use the reduced baseline funding to calculate state aid for
18 the 2020-21 school year and for each year thereafter.
- 19 2. a. The superintendent shall divide the district's baseline funding determined in
20 subsection 1 by the district's 2017-18 weighted student units to determine the
21 district's baseline funding per weighted student unit.
- 22 b. For any school district that becomes an elementary district pursuant to section
23 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the
24 district's baseline funding per weighted student unit used to calculate state aid.
25 The superintendent shall divide the district's baseline funding determined in
26 subsection 1 by the district's weighted student units after the school district
27 becomes an elementary district to determine the district's adjusted baseline
28 funding per weighted student unit. The superintendent shall use the district's
29 adjusted baseline funding per weighted student unit in the calculation of state aid
30 for the first school year in which the school district becomes an elementary
31 district and for each year thereafter.

Sixty-eighth
Legislative Assembly

- 1 c. Beginning with the 2021-22 school year and for each school year thereafter, the
2 superintendent shall reduce the district's baseline funding per weighted student
3 unit. Each year the superintendent shall calculate the amount by which the
4 district's baseline funding per weighted student unit exceeds the payment per
5 weighted student unit provided in subsection 3. The superintendent shall reduce
6 the district's baseline funding per weighted student unit by fifteen percent of the
7 amount by which the district's baseline funding per weighted student unit exceeds
8 the payment per weighted student unit for the 2021-22 school year. For each
9 year thereafter, the reduction percentage is increased by an additional fifteen
10 percent. However, the district's baseline funding per weighted student unit, after
11 the reduction, may not be less than the payment per weighted student unit
12 provided in subsection 3.
- 13 3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid
14 as the greater of:
- 15 (1) The district's weighted student units multiplied by ten thousand ~~one hundred-~~
16 ~~thirty-six~~ five hundred forty-four ~~ninety-five~~ ninety-five dollars;
- 17 (2) One hundred two percent of the district's baseline funding per weighted
18 student unit, as established in subsection 2, multiplied by the district's
19 weighted student units, not to exceed the district's 2017-18 baseline
20 weighted student units, plus any weighted student units in excess of the
21 2017-18 baseline weighted student units multiplied by ten thousand
22 ~~one hundred thirty-six~~ five hundred forty-four ~~ninety-five~~ ninety-five dollars; or
- 23 (3) The district's baseline funding as established in subsection 1 less the
24 amount in paragraph 1, with the difference reduced by fifteen percent and
25 then the difference added to the amount determined in paragraph 1.
- 26 b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the
27 superintendent shall calculate state aid as the greater of:
- 28 (1) The district's weighted student units multiplied by ten thousand ~~two hundred-~~
29 ~~thirty-seven~~ eight hundred sixty-nine ~~hundred thirteen~~ hundred thirteen dollars;
- 30 (2) One hundred two percent of the district's baseline funding per weighted
31 student unit, as established in subsection 2, multiplied by the district's

1 weighted student units, not to exceed the district's 2017-18 baseline
2 weighted student units, plus any weighted student units in excess of the
3 2017-18 baseline weighted student units multiplied by ten thousand
4 ~~two hundred thirty seven~~ eight hundred sixty nine hundred thirteen dollars; or

5 (3) The district's baseline funding as established in subsection 1 less the
6 amount in paragraph 1, with the difference reduced by thirty percent for the
7 2022-23 school year and the reduction percentage increasing by fifteen
8 percent each school year thereafter until the difference is reduced to zero,
9 and then the difference added to the amount determined in paragraph 1.

10 e. ~~The superintendent also shall adjust state aid determined in this subsection to~~
11 ~~ensure the amount does not exceed the transition maximum as follows:~~

12 (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred~~
13 ~~ten percent of the district's baseline funding per weighted student unit, as~~
14 ~~established in subsection 2, multiplied by the district's weighted student~~
15 ~~units from the previous school year.~~

16 (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred~~
17 ~~ten percent of the district's baseline funding per weighted student unit, as~~
18 ~~established in subsection 2, multiplied by the district's weighted student~~
19 ~~units from the previous school year.~~

20 (3) ~~For the 2023-24 school year, the transition maximum rate is one hundred~~
21 ~~ten percent of the district's baseline funding per weighted student unit, as~~
22 ~~established in subsection 2, plus twenty percent of the difference between~~
23 ~~the rate under paragraph 1 of subdivision b of this subsection and~~
24 ~~one hundred ten percent of the district's baseline funding per weighted~~
25 ~~student unit. The transition maximum is determined by multiplying the~~
26 ~~transition maximum rate, which may not exceed the rate under paragraph 1~~
27 ~~of subdivision b of this subsection, by the district's weighted student units~~
28 ~~from the previous school year.~~

29 (4) ~~For the 2024-25 school year, the transition maximum rate is one hundred~~
30 ~~ten percent of the district's baseline funding per weighted student unit, as~~
31 ~~established in subsection 2, plus forty percent of the difference between the~~

1 rate under paragraph 1 of subdivision b of this subsection and one hundred
2 ten percent of the district's baseline funding per weighted student unit. The
3 transition maximum is determined by multiplying the transition maximum
4 rate, which may not exceed the rate under paragraph 1 of subdivision b of
5 this subsection, by the district's weighted student units from the previous
6 school year.

7 (5) For the 2025-26 school year, the transition maximum rate is one hundred
8 ten percent of the district's baseline funding per weighted student unit, as
9 established in subsection 2, plus sixty percent of the difference between the
10 rate under paragraph 1 of subdivision b of this subsection and one hundred
11 ten percent of the district's baseline funding per weighted student unit. The
12 transition maximum is determined by multiplying the transition maximum
13 rate, which may not exceed the rate under paragraph 1 of subdivision b of
14 this subsection, by the district's weighted student units from the previous
15 school year.

16 (6) For the 2026-27 school year, the transition maximum rate is one hundred
17 ten percent of the district's baseline funding per weighted student unit, as
18 established in subsection 2, plus eighty percent of the difference between
19 the rate under paragraph 1 of subdivision b of this subsection and
20 one hundred ten percent of the district's baseline funding per weighted
21 student unit. The transition maximum is determined by multiplying the
22 transition maximum rate, which may not exceed the rate under paragraph 1
23 of subdivision b of this subsection, by the district's weighted student units
24 from the previous school year.

25 4. After determining the product in accordance with subsection 3, the superintendent of
26 public instruction shall:

27 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the
28 school district; and

29 b. Subtract an amount equal to seventy-five percent of all revenue types listed in
30 subdivisions c and d of subsection 1. Before determining the deduction for

1 seventy-five percent of all revenue types, the superintendent of public instruction
2 shall adjust revenues as follows:

3 (1) Tuition revenue shall be adjusted as follows:

4 (a) In addition to deducting tuition revenue received specifically for the
5 operation of an educational program provided at a residential
6 treatment facility, tuition revenue received for the provision of an adult
7 farm management program, and tuition received under an agreement
8 to educate students from a school district on an air force base with
9 funding received through federal impact aid as directed each school
10 year in paragraph 3 of subdivision c of subsection 1, the
11 superintendent of public instruction also shall reduce the total tuition
12 reported by the school district by the amount of tuition revenue
13 received for the education of students not residing in the state and for
14 which the state has not entered a cross-border education contract;
15 and

16 (b) The superintendent of public instruction also shall reduce the total
17 tuition reported by admitting school districts meeting the requirements
18 of subdivision e of subsection 2 of section 15.1-29-12 by the amount
19 of tuition revenue received for the education of students residing in an
20 adjacent school district.

21 (2) After adjusting tuition revenue as provided in paragraph 1, the
22 superintendent shall reduce all remaining revenues from all revenue types
23 by the percentage of mills levied in ~~2020~~2022 by the school district for
24 sinking and interest relative to the total mills levied in ~~2020~~2022 by the
25 school district for all purposes.

26 5. The amount remaining after the computation required under subsection 4 is the
27 amount of state aid to which a school district is entitled, subject to any other statutory
28 requirements or limitations.

29 6. On or before June thirtieth of each year, the school board shall certify to the
30 superintendent of public instruction the final average daily membership for the current
31 school year.

- 1 7. For purposes of the calculation in subsection 4, each county auditor, in collaboration
2 with the school districts, shall report the following to the superintendent of public
3 instruction on an annual basis:
- 4 a. The amount of revenue received by each school district in the county during the
5 previous school year for each type of revenue identified in subdivisions c and d of
6 subsection 1;
- 7 b. The total number of mills levied in the previous calendar year by each school
8 district for all purposes; and
- 9 c. The number of mills levied in the previous calendar year by each school district
10 for sinking and interest fund purposes.

11 **SECTION 13. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 5. If the superintendent of public instruction approves the loan, the Bank of North Dakota
14 shall issue a loan from the school construction assistance revolving loan fund. For a
15 loan made under this section:
- 16 a. ~~The~~if the school construction project totals less than seventy-five million dollars,
17 the maximum loan amount for which a school district may qualify is
18 ~~ten~~fifteen million dollars. However, if a school district's unobligated general fund
19 balance on the preceding June thirtieth exceeds the limitation under section
20 15.1-27-35.3, the loan amount under this section may not exceed eighty percent
21 of the project's cost up to a maximum loan amount of ~~eight~~twelve million dollars;
- 22 b. If the school construction project totals seventy-five million dollars or more, the
23 maximum loan amount for which a school district may qualify is ~~fifty~~twenty-five
24 million dollars. However, if a school district's unobligated general fund balance on
25 the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3,
26 the loan amount under this section may not exceed eighty percent of the project's
27 cost up to a maximum loan amount of ~~forty~~twenty million dollars;
- 28 c. The term of the loan is twenty years, unless the board of the school district
29 requests a shorter term in the written loan application; and
- 30 e-d. The interest rate of the loan may not exceed two percent per year.

1 e. A district with a school construction loan secured on the open bond market may
2 apply to refinance the loan when callable with the school construction assistance
3 revolving loan fund under this subsection.

4 f. A district that qualifies for a loan under subdivision a, which was approved for a
5 loan of up to ten million dollars for a construction project bid after January 1,
6 2021, and before June 30, 2024, may apply for a loan in an amount equal to the
7 difference between fifteen million dollars and the amount of the approved loan.

8 g. A district that qualifies for a loan under subdivision b, which was approved for a
9 loan of up to ten million dollars for a construction project bid after January 1,
10 2021, and before June 30, 2024, may apply for a loan in an amount equal to the
11 difference between twenty-five million dollars and the amount of the approved
12 loan.

13 ~~SECTION 12. LEGISLATIVE MANAGEMENT STUDY - SCHOOL TRANSPORTATION~~
14 ~~SERVICES FUNDING. During the 2023-25 interim, the legislative management shall study~~
15 ~~school transportation services funding. The study must include a review of the formula for~~
16 ~~funding school transportation services and an assessment of whether a factor-based model~~
17 ~~would fund school transportation more appropriately. The legislative management shall report~~
18 ~~its findings and recommendations, together with any legislation required to implement the~~
19 ~~recommendations, to the sixty-ninth legislative assembly.~~

20 **SECTION 14. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE**
21 **BOARD OF PUBLIC SCHOOL EDUCATION.**

- 22 1. During the 2023-24 interim, the legislative management shall consider studying the
23 composition of the state board of public school education. The study must include:
- 24 a. An analysis of the state board of public school education boundaries, including a
25 comparison of methodologies for creating the boundaries;
 - 26 b. An analysis of the inclusion of representatives from small, large, urban, and rural
27 schools on the board;
 - 28 c. An evaluation of term limits for board members, including staggering terms to
29 ensure continuity of knowledge;

- 1 d. An evaluation of the benefits and consequences of requiring the composition of
- 2 the board to include two school district superintendents, two members of a board
- 3 of a school district, and two citizens at large;
- 4 e. An evaluation of the benefits and consequences of requiring a minimum or
- 5 maximum number of candidates to be submitted to the governor and permitting
- 6 the governor to request a new list of potential candidates once; and
- 7 f. An analysis of the role and practices of the county superintendent of schools.
- 8 2. The legislative management shall report its findings and recommendations, together
- 9 with any legislation required to implement the recommendations, to the sixty-ninth
- 10 legislative assembly.

11 **SECTION 15. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.**

- 12 1. During the 2023-24 interim, the legislative management shall study school choice
- 13 models implemented nationally for kindergarten through grade twelve schools,
- 14 including charter schools, magnet schools, private schools, voucher systems, and
- 15 home schools. The study must include input from stakeholders, including public and
- 16 nonpublic teachers and administrators, parents of students, representatives from the
- 17 department of public instruction, a representative from the governor's office, and
- 18 representatives from regional education associations. The study also must include the
- 19 following, supported by quantitative data:
- 20 a. A review of regulations and methods for accountability by state regulatory
- 21 agencies for various school choice models;
- 22 b. A comparison of nontraditional school choice models implemented by rural
- 23 states;
- 24 c. An analysis of the impact of enrollment fluctuation, including the impact on state
- 25 aid;
- 26 d. A review of the state's student population, enrollment capacity and tuition costs of
- 27 nonpublic schools, and the capacity of nonpublic schools to provide services to
- 28 students with special needs; and
- 29 e. A comparison of achievement data between public schools and nontraditional
- 30 schools in other states.

1 2. The legislative management shall report its findings and recommendations, together
2 with any legislation required to implement the recommendations, to the sixty-ninth
3 legislative assembly.

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

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

21 **SECTION 18. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
22 **PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT.** There is appropriated out of any
23 moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum
24 of \$1,000,000, or so much of the sum as may be necessary, to the department of public
25 instruction for the purpose of supporting professional learning related to the science of reading
26 and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023,
27 and ending June 30, 2025. The superintendent of public instruction shall collaborate with the
28 regional education associations to ensure continuity of access to science of reading training
29 opportunities and develop support processes to deepen science of reading implementation. The
30 superintendent of public instruction shall provide quarterly reports to the legislative
31 management on the implementation and effectiveness of this appropriation on improving

1 educational outcomes, including the number of teachers trained, an anticipated timeline of
2 results trends, and any results trends available.

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

10 **SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF**
11 **PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING.** There is
12 appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise
13 appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the
14 department of public instruction for the purpose of providing training in a reading learning
15 platform approved by the superintendent of public instruction to one educator in every school
16 that instructs students in kindergarten through third grade for two years, for the biennium
17 beginning July 1, 2023, and ending June 30, 2025.

18 **SECTION 21. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**
19 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
20 with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in
21 the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021
22 Session Laws, the lesser of ~~\$1,000,000~~\$1,837,000 or the remaining amount must be continued
23 into the 2023-25 biennium and the office of management and budget shall transfer this amount
24 into the public instruction fund for the purpose of funding professional learning related to the
25 science of reading and implementing systematic direct literacy instruction, training in
26 identification of dyslexia characteristics, and reading training for kindergarten through grade
27 three teachers as appropriated in ~~section 10~~ of this Act.

28 **SECTION 22. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL**
29 **CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and
30 budget shall transfer the sum of ~~\$75,000,000~~\$40,000,000 from the foundation aid stabilization

Sixty-eighth
Legislative Assembly

1 fund to the school construction assistance revolving loan fund during the biennium beginning
2 July 1, 2023, and ending June 30, 2025.

3 | **SECTION 23. EFFECTIVE DATE.** Section 510 of this Act becomes effective on July 1,
4 2024.

- f. A district that qualifies for a loan under subdivision a, 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.
- g. 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 twenty-five 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 implemented by state regulatory agencies to ensure accountability for various school choice models;
 - b. A comparison of nontraditional school choice models implemented by other 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 and enrollment capacity; and
 - e. A review of services nonpublic schools are able to offer students with special needs.
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 shortages 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, 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.

School Construction Revolving Loan Fund Scenarios

Current Version of 2284	
Large Schools @ \$25 million	
Small Schools @ \$15 million	
\$40 million appropriation	
2023-2025 Projections	
Projected Funding Available 7/2023	\$ 4,000,000
2023-2025 Repayments	\$ 45,000,000
	<u>\$ 49,000,000</u>
Appropriation	\$ 40,000,000
Available for new loans 2023 - 2025	<u>\$ 89,000,000</u>
Scenario #1	
1 large school at \$25 million	\$ 25,000,000
4 small schools at \$15 million	\$ 60,000,000
Total new loans 2023 - 2025	<u>\$ 85,000,000</u>
Scenario #2	
2 large schools at \$25 million	\$ 50,000,000
2 small schools at \$15 million	\$ 30,000,000
Total new loans 2023 - 2025	<u>\$ 80,000,000</u>

Initial Version of 2284	
Large Schools @ \$50 million	
Small Schools @ \$10 million	
\$75 million appropriation	
2023-2025 Projections	
Projected Funding Available 7/2023	\$ 4,000,000
2023-2025 Repayments	\$ 45,000,000
	<u>\$ 49,000,000</u>
Appropriation	\$ 75,000,000
Available for new loans 2023 - 2025	<u>\$ 124,000,000</u>
Scenario #1	
1 large school at \$50 million	\$ 50,000,000
7 small schools at \$10 million	\$ 70,000,000
Total new loans 2023 - 2025	<u>\$ 120,000,000</u>
Scenario #2	
2 large schools at \$50 million	\$ 100,000,000
2 small schools at \$10 million	\$ 20,000,000
Total new loans 2023 - 2025	<u>\$ 120,000,000</u>

Modified Version of 2284	
Large Schools @ \$35 million	
Small Schools @ \$10 million	
\$75 million appropriation	
2023-2025 Projections	
Projected Funding Available 7/2023	\$ 4,000,000
2023-2025 Repayments	\$ 45,000,000
	<u>\$ 49,000,000</u>
Appropriation	\$ 75,000,000
Available for new loans 2023 - 2025	<u>\$ 124,000,000</u>
Scenario #1	
1 large school at \$35 million	\$ 35,000,000
8 small schools at \$10 million	\$ 80,000,000
Total new loans 2023 - 2025	<u>\$ 115,000,000</u>
Scenario #2	
2 large schools at \$35 million	\$ 70,000,000
5 small schools at \$10 million	\$ 50,000,000
Total new loans 2023 - 2025	<u>\$ 120,000,000</u>

**CHAPTER 15.1-36
SCHOOL CONSTRUCTION**

- 3 The superintendent of public instruction shall review loan applications based on a prioritization system that includes a review of all applications filed during the twelve-month period preceding April first and gives consideration to:
- a. New construction or remodeling projects, then refinancing callable bonds, then loans for inflation;
 - b. Student occupancy and academic needs in the district;
 - c. The age of existing structures to be replaced or remodeled;
 - d. Building design proposals that are based on safety and vulnerability assessments;
 - e. Community support;
 - f. Cost; and
 - g. Any other criteria established by the superintendent of public instruction, after consultation with an interim committee appointed by the legislative management.
- 5 If the superintendent of public instruction approves the loan, the Bank of North Dakota shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:
- a. The maximum loan amount for which a school district may qualify is **ten fifteen million dollars**. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of **eight** million dollars;
 - b. If the school construction project totals seventy-five million dollars or more, the school district may qualify for an additional ten million after all new loan applications have been considered. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost.
 - c. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - d. The interest rate of the loan may not exceed two percent per year.
 - 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.

New Session Law effect for the 2023-25 biennium.

School Construction Assistance Revolving Loan Fund - Bank of North Dakota School Construction Projects.

- a. A district that qualifies for a loan under subdivision a, in 15.1-36-08(5), 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.
- b. A district that qualifies for a loan under subdivision b, in 15.1-36-08(5), 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 twenty-five million dollars and the amount of the approved loan.
- c. A district may qualify for an additional loan, if any money remains available, under this section if the project incurred additional expenses due to unanticipated construction inflation:
 1. The unanticipated construction inflation must have occurred for a

- construction project bid after January 1, 2021, and before June 30, 2024
2. The maximum loan amount for which a school district may qualify is five million dollars;
 3. The minimum loan amount or which a school district may qualify is one million dollars.
 4. The interest rate on the loan may not exceed two percent per year;
 5. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 6. The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
- f. The Superintendent of Public Instruction must use an additional application deadline of August 1, 2023. Subsequent years will use the deadline established by the Department of Public Instruction.

SECTION ____ AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. A school district shall provide for a school calendar that includes:

- a. At least nine hundred sixty-two and one-half hours of instruction for elementary school students and one thousand fifty hours of instruction for middle and high school students;
- b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
- c. No more than two days for:
 - (1) Parent-teacher conferences; or
 - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
- d. At least three days of professional development not including meals or breaks.

2. For the first three days of professional development required under subdivision d of subsection 1, a day of professional development must consist of:

- a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
- b. Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
- c. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.

3. If because of weather or other conditions a school must cancel hours of instruction or dismiss before completing all hours of instruction for the day, the school is responsible for making up only those hours and portions of an hour between the time of cancellation or early dismissal and the conclusion of all hours of classroom instruction for the day if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1.

4. A school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction pursuant to section 15.1-07-25.4 if:

- a. All available designated storm days in the district's calendar have been used; and
- b. A plan has been approved by the local school board.

~~4.~~ 5. For purposes of this section, a full day of instruction at a physical school plant consists of:

a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and

b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

~~5.~~ 6. If a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply and be approved for a waiver by the superintendent of public instruction.

~~6.~~ 7. If a school district intends to provide virtual instruction, the instruction must comply with the requirements under subsection ~~4-5~~. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION ____. **AMENDMENT.** Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-23. Weather or other conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing no more than eighteen hours for elementary and no more than twenty-one hours for high school of virtual instruction under section 15.1-06-04.

2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.

SECTION ____. **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.

1. 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.
2. Virtual instruction that occurs as a result of weather or other conditions under section 15.1-06-04:
 - a. May only be used if the district has no remaining designated storm days available;
 - b. Is limited to eighteen hours for elementary and twenty-one hours for high school; and
 - c. Requires a plan to be approved by the local school board.
3. 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.