

**2025 HOUSE EDUCATION**

**HB 1494**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1494  
2/3/2025

A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to the determination of weighted average daily membership; to provide an effective date; and to declare an emergency.

3:30 p.m. Chairman Heinert called the meeting to order.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marschall, Morton, Novak, Osowski

### **Discussion Topics:**

- English Language Learners
- Funding for English Proficiency

3:31 p.m. Representative Jonas introduced the bill.

3:38 p.m. Mari Rasmussen, Past President of Dakota TESOL, testified in favor and submitted testimony #33734.

3:43 p.m. Lisa Symens, English Learner Department Coordinator, testified in favor and submitted testimony #33872.

3:48 p.m. Heather May, Adult Educations Representative, testified in favor.

3:50 p.m. Paul Stremick, Lobbyist North Dakota School Council, testified in favor and submitted testimony #33612.

3:53 p.m. Aimee Copas, North Dakota School Council, testified in favor and submitted testimony. #33956.

3:54 p.m. Adam Tesher, Department of PI, testified in favor.

4:00 p.m. Chairman Heinert closed the hearing.

4:01 p.m. Representative Hager moved a Do Pass.

4:01 p.m. Representative Conmy seconded the motion.

4:03 p.m. Representative Hager rescinded her motion.

4:03 p.m. Representative Conmy seconded the motion.

### **Additional written testimony:**

Kerri Whipple, Director of Literacy services, Southeast Education Cooperative, submitted testimony in favor. #33449

Dakota Breen, Business Manager, submitted testimony in favor. #33471 #33474

Amy De Kok, Executive Director, North Dakota School Boards Association, NDSBA, submitted testimony in favor. #33657

Steven Holen, Superintendent, McKenzie County Public School District, submitted testimony in favor. #33925

Shawn Kuntz, Superintendent, Wishek Public School, submitted testimony in favor. #34828

4:05 p.m. Chairman Heinert adjourned the meeting.

*Sierra Schartz, Committee Clerk for Leah Kuball, Committee Clerk*

January 28, 2025

HB1494 Testimony to House Education Committee

Kerri Whipple, SEEC, Director of Literacy Services  
kerri.whipple@k12.nd.us  
3170 43<sup>rd</sup> St N Ste. 103  
Fargo, ND 58104  
701-361-1392 (cell)

Chairman Heinert and members of the House Education Committee, my name is Kerri Whipple, Director of Literacy Services at the South East Education Cooperative. I have been working with English Learner or Multilingual Learner Programs in North Dakota at the district, state, and regional levels since 2004.

I am here today in support of HB 1494.

As you may know, Regional Education Associations were first piloted in 2003 to provide an infrastructure to deliver more adequate educational services to all schools in North Dakota. Now more than ever, we know that all schools require funding and human capital to carry out the legal requirements and services needed for students learning English. One of my roles at SEEC is to help 36 school districts plan for daily English language development services for their English Learner (EL) or Multilingual Learner (ML) students.

Students learning English in our schools are instructed by EL or ML teachers. Schools are required to annually assess the English language proficiency of EL/ML students. This assessment results in a proficiency level between 1-6. Currently, North Dakota students exit the EL/ML program when they reach an English language proficiency Level 5.

The current Average Daily Membership (ADM) formula allows schools to receive a weighted factor of 0.4 for EL Level 1s, 0.28 for Level 2s, and 0.07 for Level 3s for up to three years. There is no current weighted factor for students at Level 4. While this formula acknowledges that lower-proficiency students need more services than higher-level students, it also has the unintended consequence of making it financially difficult for schools to continue to help their students grow past those initial levels. The current formula provides no funding for students at Level 4, but schools are still required to provide EL/ML services for these students.

Although research supports that English language learner students who start at the beginning levels of English proficiency typically need an average of 5-7 years to reach proficiency, we also have some groups of students in North Dakota English language learner programs who take significantly less time. The amount of time needed to reach proficiency varies greatly based on the student's background with language and school, as well as EL/ML programming quality. The North Dakota accountability system sets the expected growth for English language proficiency based on an EL/ML student's first annual language proficiency test score. For example, if a student's first test score is Level 1, they have 6 years before they are expected to achieve the exit criteria. If they begin at Level 3, they have 4 years; if their first score is at Level 5, they have 2 years before they are expected to exit the program. If an EL/ML student started at Level 1 and grew one level each year, we would not be providing funding for all years in the program.

In most cases, EL/ML teachers provide EL/ML services in addition to the courses that all students take from general education teachers. Due to the variance of linguistic and academic needs within any one classroom, student-to-teacher ratios must remain low. Therefore, education costs are higher than average for EL/ML students. The ADM-weighted factor funding supports the general fund expenditures required for schools to meet the requirements to serve ELs/MLs. Further, providing EL/ML services is part of state law (NDCC 15.1-38). Increasing the additional weighted factor will help reduce the financial gap for school district who are required to serve Els at all levels and support increased English proficiency for students. This bill is one way to ease the financial burden for school districts.

HB 1494 will significantly impact the funding for EL/ML programs in public schools. Even funding for all proficiency levels will encourage all schools to provide services to all levels of EL/ML students until these students achieve the level of English proficiency needed for success in general education classrooms.

I ask for your support for HB 1494.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri Whipple", followed by a large circular flourish or "O" mark.

Kerri Whipple  
SEEC, Director of Literacy Services  
kerri.whipple@k12.nd.us  
3170 43<sup>rd</sup> St N Ste. 103  
Fargo, ND 58104  
701-361-1392 (cell)

**House Education Committee**  
Sixty-ninth Legislative Assembly of North Dakota  
House Bill 1494

My name is Dakota Breen, and I am writing on behalf of Dakota TESOL, a nonprofit organization and state affiliate of the national TESOL organization serving North and South Dakota. Dakota TESOL supports educators of multilingual learners by providing professional development and advocating for the improvement of educational services for multilingual learners. Additionally, I am writing as a teacher of English learners with over thirteen years of teaching experience. I am testifying in favor of House Bill 1494, with suggested amendments to strengthen the bill.

### Support for House Bill 1494

I support the bill's goal of more equitably distributing weighted average daily membership (WADM) funding for English learners in K-12 schools by allocating equal funding for students at proficiency levels one, two, and three.

### Proposed Amendments

#### **1. Include Proficiency Level Four in WADM Funding**

I recommend amending the bill to include students at proficiency level four in WADM funding. North Dakota K-12 schools are required to provide English language services to students at this level, as outlined in the North Dakota Department of Public Instruction (NDDPI) exit criteria. NDDPI mandates that students must achieve a composite score of 5.0, with a minimum score of 3.5 in each language domain, to be considered English proficient. As schools are responsible for supporting students at level four, it is logical to include them in the funding model to align financial resources with service requirements.

#### **2. Revise or Remove Language from Section K.3 of the Bill**

The current payment structure in Section K.3 creates a counterproductive incentive by allocating more funding to students who remain at lower proficiency levels (Levels 1 and 2) indefinitely, without a cap on funding duration. This may unintentionally discourage timely progression to higher proficiency levels and runs counter to NDDPI's annual language growth expectations for English learners.

I propose either:

- Removing the three-year cap entirely for all proficiency levels, or
- Applying the cap consistently to all proficiency levels.

This change would better align the funding model with NDDPI's accountability measures and encourage steady, measurable language growth.

## Conclusion

With the suggested amendments, House Bill 1494 would:

1. Address the disparity between state-mandated service requirements and funding allocations for English learners.
2. Ensure equitable support for students across all proficiency levels, fostering language growth and academic success.
3. Align the funding model with best practices for language acquisition, promoting progression through proficiency levels.

Thank you for considering these recommendations. I urge the committee to adopt House Bill 1494 with the proposed amendments to ensure it fully supports the needs of multilingual learners and the educators who serve them. The goal of EL programming is to help ELs reach English proficiency. This in turn benefits our state's economy by providing more of a workforce that is English proficient.

**Dakota Breen**

Dakota TESOL, Business Manager

[dakotatesol@gmail.com](mailto:dakotatesol@gmail.com)

701-206-1047

**House Education Committee**  
Sixty-ninth Legislative Assembly of North Dakota  
House Bill 1494

Dakota Breen  
218 2<sup>nd</sup> Ave E  
West Fargo, North Dakota 58078  
[magdalenjewel88@gmail.com](mailto:magdalenjewel88@gmail.com)  
7012060147  
February 2<sup>nd</sup>, 2025

Chairman Heinert and members of the House Education Committee,

I am writing to provide my testimony in support of HB 1494. I am an educator of English learners with over 13 years of experience. I also have 3 years of experience as district leadership for EL programming in a large school district.

This bill would increase funding for English learners in turn helping districts and schools better meet the needs of these learners. The goal of EL programming is to help students become English proficient. This helps not only helps the student and our K-12 schools, but it also helps our state's economy by supporting a future workforce in being more English proficiency.

In regards to the additional expense of teaching English Learners (ELs), the cost varies widely depending on the language development program a school or district implements. However, I would like to highlight some standard costs associated with EL education.

The North Dakota Department of Public Instruction (NDDPI) provides guidance suggesting that for every 20 English learners enrolled in a district, a full-time EL teacher should be employed. Additionally, it recommends a maximum caseload of 40 English learners per EL teacher. The average salary for a teacher in North Dakota is approximately \$49,296, though a more accurate figure, including benefits, may be available.

Beyond EL teachers, English learners often qualify for additional supports such as reading and math interventions, counseling, and social work services, which may require increased staffing. Districts with higher student-to-EL teacher ratios may also need paraprofessional support to better assist ELs throughout the day. Furthermore, administrative tasks related to EL programming necessitate staff such as EL coordinators and administrative assistants. Some districts may also offer adult education ESL courses for EL parents, though these programs may be funded separately.

Additional costs associated with EL programs include translation and interpreter services, professional development for staff to implement best practices, and curriculum materials tailored to EL needs, such as online language development programs, adapted texts, and English language development curricula. Small and large districts alike may also incur travel expenses for EL teachers who must commute between schools or towns.



I hope this information helps illustrate the financial considerations of EL education in our districts. Please let me know if any additional details would be helpful. Thank you for your time and consideration of this important matter.

Sincerely,

A handwritten signature in black ink that reads "Dakota Breen". The script is fluid and cursive, with the first name "Dakota" being more prominent and the last name "Breen" following in a similar style.

**Dakota Breen**

West Fargo Resident

[magdalenjewel88@gmail.com](mailto:magdalenjewel88@gmail.com)

701-206-1047

1 North Dakota School Study Council Testimony in Support HB 1494 – ELL  
2 Weighting Factor

3 Chairman Heinert and Members of the Committee,

4 I am writing to express my strong support for HB 1494, which seeks to  
5 increase funding for English Language Learners (ELL) in our schools. This  
6 bill represents an important step in addressing the financial and structural  
7 challenges associated with ELL education. The ELL population in North  
8 Dakota is growing, especially in the larger districts.

9 The cost of educating ELL students is significantly higher than that of their  
10 native English-speaking peers. These students require specialized  
11 instruction, additional staffing, and targeted interventions to ensure their  
12 academic success. Without adequate funding, schools struggle to provide  
13 the necessary resources, leaving ELL students at a disadvantage.

14 One of the most pressing needs in ELL education is access to technology.  
15 Many ELL students rely on language-learning software, online resources,  
16 and digital tools to enhance their language acquisition and academic  
17 progress. However, current funding levels do not provide sufficient support  
18 for schools to invest in the necessary technology. Increasing funding  
19 through HB 1494 would help bridge this gap and allow for greater  
20 integration of technology in ELL classrooms.

21 Additionally, the current weighting factors used to determine funding for  
22 ELL programs are outdated and insufficient. The needs of ELL students  
23 have grown, and the current funding formula does not adequately reflect  
24 the true cost of providing a high-quality education for this population. HB  
25 1494 is a step in the right direction to ensure that funding levels more  
26 accurately reflect the resources required to support ELL students  
27 effectively. I want to remind you; ELL students are tested yearly for  
28 funding/placement into different levels. There are no phantom students or  
29 numbers. These are real students who need additional services.

30 By passing HB 1494, the legislature would be taking a meaningful step  
31 toward addressing these critical issues. While more work remains to be  
32 done, this bill lays the foundation for future improvements in ELL education  
33 and demonstrates a commitment to equity and inclusion in our schools.

34 I urge you to support HB 1494 and advocate for its passage. Thank you for  
35 your time and consideration. I am happy to provide further information or  
36 answer any questions you may have.

37 

38 Dr. Paul Stremick



**NDSBA**  
**NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION**

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**HB 1494**  
**Testimony of Amy De Kok**  
**House Education Committee**  
**February 3, 2025**

Chairman Heinert and members of the House Education Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. I am here today to voice our strong support for HB1494, which seeks to increase the weighting factor in the school district foundation aid formula for English language learners (ELLs). This critical legislation will help ensure that school districts receive adequate funding to support the unique needs of ELL students and provide them with the educational resources necessary to succeed.

North Dakota's student population is becoming increasingly diverse, with a growing number of students whose first language is not English. ELL students face distinct challenges in the classroom, requiring specialized instruction, additional staff support, and targeted programs to help them achieve language proficiency while mastering academic content. Research consistently shows that adequately funding ELL programs leads to better educational outcomes, increased graduation rates, and long-term economic benefits.

The current funding model does not fully account for the intensity of resources required to support ELL students, particularly those in the early stages of English proficiency. HB1494 proposes increasing the weighting factors for ELL students at different proficiency levels to better reflect the actual costs of effective language instruction and academic support.

**The Benefits of HB 1494:**

1. **Enhanced Educational Equity:** By increasing the weighting factor for ELL students, HB 1494 helps ensure that all students, regardless of their language background, receive the support they need to thrive in school. Providing equitable funding helps level the playing field and ensures that language barriers do not become a roadblock to academic success.
2. **Improved Student Outcomes:** Studies indicate that targeted ELL support, including bilingual instruction, smaller class sizes, and extended learning opportunities, significantly improves

academic performance and language acquisition. Increasing funding will enable schools to hire additional qualified ELL instructors, invest in evidence-based instructional programs, and provide professional development for teachers working with ELL students.

3. **Long-Term Economic Benefits:** Supporting ELL students in their educational journey leads to higher graduation rates, increased workforce participation, and greater economic contributions to the state. A well-educated, multilingual workforce is an asset to North Dakota's economy, enhancing the state's ability to compete in an increasingly global market.
4. **Alleviating the Financial Burden on Local School Districts:** Many districts, especially those with rapidly growing ELL populations, struggle to allocate sufficient resources under the current funding formula. By adjusting the weighting factors, HB 1494 provides districts with the financial flexibility needed to meet the instructional needs of ELL students without diverting resources from other critical programs.

The passage of HB 1494 is essential to ensure that North Dakota's education system remains responsive to the needs of all students. Increasing the weighting factor for ELL students is a necessary investment in the future of our state. I respectfully urge the committee to support this legislation and help provide the resources our schools need to offer high-quality education to every student, regardless of their language background.

Thank you for your time and consideration.



## **Testimony in Support of House Bill 1494**

Chairman Heinert and Members of the Committee, I stand before you today in strong support of House Bill 1494, which seeks to increase the weighting factors for English Learner (EL) students in our state's school funding formula. This is not just a policy adjustment—it is a critical and necessary investment in ensuring that our schools, particularly our larger districts, have the resources needed to effectively serve a growing and diverse student population.

## **The Urgent Need for Increased EL Funding**

North Dakota's student population is rapidly evolving, with many of our larger school districts experiencing significant growth in EL enrollment. These students bring with them a wealth of potential, but also unique challenges that require additional instructional support, specialized staffing, and targeted interventions.

Currently, the funding allocated for EL students does not reflect the true cost of providing high-quality instruction. Our educators are working tirelessly to support these students, but without adequate resources, we risk leaving them behind. Increasing the weighting for EL students is a direct investment in their academic success and future contributions to our state.

- The only amendment we'd ask for is adding more levels of service – thereby covering Levels 4 and 5.

## **Why This Bill Matters for School Districts**

- Higher Concentrations of EL Students: Larger districts are experiencing a disproportionate increase in EL enrollment, often requiring more specialized teachers, interventionists, and language support services.
- Greater Demand for Intensive Instruction: Many EL students arrive with limited English proficiency, and require smaller class sizes, individualized instruction, and additional academic supports to achieve proficiency.
- Impact on General Education Classrooms: Without sufficient funding, resources are stretched thin, making it harder for teachers to balance EL instruction with meeting the needs of all students in the classroom.
- Retention and Recruitment of EL Specialists: Schools must be able to attract and retain teachers who specialize in EL instruction, but without adequate funding, these positions are difficult to maintain.
- Smaller districts have a more difficult time finding staffing – dollars could support incentivizing.

## **HB 1494 Provides a Necessary Adjustment to the Funding Formula**

This bill would increase the weighting factors for students at different EL proficiency levels, ensuring that schools have the resources to meet the needs of these students at every stage of their language development. By recognizing the varying levels of proficiency, this adjustment



1 ensures more equitable funding that reflects the real costs of instruction and student support  
2 services.

### 3 **A Statewide Issue – Investing in North Dakota’s Future**

4 While the most immediate impact will be felt in our larger districts, this is a statewide issue.  
5 Many communities across North Dakota are welcoming new families, and schools must be  
6 equipped to support these students from day one. Investing in EL education is not just about  
7 meeting today’s needs—it is about ensuring that North Dakota’s workforce and communities  
8 continue to thrive for generations to come.

### 9 **Conclusion**

10 By passing HB 1494, you are ensuring that our schools have the funding necessary to provide  
11 quality education, close achievement gaps, and support the success of every student—regardless  
12 of language background. Our administrators, teachers, and EL students are counting on you to  
13 take this step forward in making our funding model more reflective of the real needs in our  
14 schools.

15 I urge you to support this bill and move it forward for passage.

## **Testimony on House Bill 1494**

### **February 3, 2025**

Mari B. Rasmussen  
Bismarck, ND  
Past President of Dakota TESOL

Chairman Heinert and Members of the House Education Committee,

My name is Mari Rasmussen. I am a resident of North Dakota and vote in District 35. I am past president of Dakota TESOL (Teaching English to Speakers of Other Languages), and I am here to testify in support of House Bill 1494. Dakota TESOL is an organization for those who provide educational services for students from other language backgrounds. The organization supports and advocates for high quality services for these students.

It is very important that we adequately fund the education of those students in our state who will be contributing to the strength of our economy and workforce once they graduate from high school. Full English language proficiency is necessary is not only important, but essential.

I have been a teacher of English Learners, program coordinator, national consultant and college professor. I currently work part time at the university level and part time in a school district. I was working at the Department of Public Instruction when the North Dakota legislature first passed legislation over 20 years ago to help support the education of English Learner students at the lowest levels of proficiency. While this effort was appreciated and the funding increased a bit in later years, it has never included all levels and reached the amount necessary to provide the services that are required by state and federal law.

We do ask that there would be some adjustments to the bill. I will leave it for my colleagues to provide information for you on a recommended level of funding for English



Learners in school districts in the state. My interest is to encourage you to support a bill that appropriately meets the needs of students.

School districts are required to provide services to students who qualify as English Learners immediately upon enrollment until they reach a level of proficiency that allows them to be successful in the general education classroom without support. Though it might appear that a student who enters school with no English needs more services and needs greatest level of funding, it can be argued that needs and the related costs of students vary greatly and the unique needs of a student who has “plateaued” in their English and needs a highly qualified English Learner teacher knowledgeable in the appropriate strategies to support the student to proficiency can also have a significant price tag. Unfortunately, due to the system, many English Learners who may be newly enrolled and have not participated in the annual testing and thus, are not yet counted for the additional weighted factor ,or students at higher levels of proficiency who still need services, do not benefit from funding.

Members of House Education, I urge you to pass legislation that supports school districts in their efforts to fully meet the educational needs of all English Learners. Pass House Bill 1494 with recommended revisions. Thank you very much.

**House Education Committee**

Sixty-ninth Legislative Assembly of North Dakota

House Bill 1494

Chairperson and Members of the Committee,

My name is Lisa Symens, and I am the English Learner Department Coordinator for Bismarck Public Schools. Thank you for your attention to our growing multilingual learner population in North Dakota. I would like to express my strong support for HB 1494, which allows equal funding for English learners in K-12 schools at proficiency levels 1, 2, and 3. This legislation is essential for supporting the increasing needs of English learners and improving educational equity.

As someone deeply involved in education and the success of multilingual learners for the past 27 years, I have seen firsthand the challenges these students face and the incredible potential they bring to our schools and communities. Like many schools in North Dakota, Bismarck Public Schools has experienced significant growth in its English learner population over the past decade. This bill will help ensure that these students receive the resources and support they need to thrive academically and contribute meaningfully to our state's future workforce and communities.

With my support, I would propose two amendments to the bill. First, to include proficiency level 4 to align with our state requirements to serve students up to level 5 of English language proficiency. I would also propose to either remove the three-year cap for all proficiency levels or apply the cap consistently to all proficiency levels to better align with NDDPI's accountability measures to encourage steady, measurable language growth.

I urge you to vote in favor of HB 1494 to create a stronger, more inclusive education system that supports all students. Thank you for your time and consideration.

Sincerely,

**Lisa Symens**

EL Department Coordinator  
Bismarck Public Schools

**HB 1494**  
**2025 Legislative Testimony**  
**House Education Committee**

Good afternoon. Chairman Heinert and members of the House Education Committee. For the record, my name is Steven Holen and I am the Superintendent of Schools for the McKenzie County Public School District #1 in Watford City. I am submitting a written testimony in favor of HB 1494.

The McKenzie County Public School District #1 has witnessed exponential growth in its EL population since 2010 having essentially zero students identified as EL at that time. Currently, the school district has 313 EL students of various levels and this population subgroup continues to increase each school year. The EL population in our school district, at approximately 14%, matches the levels of special education students and its impacts on the school district can be very similar in terms of resources and efforts to maintain compliance with ILP requirements. The EL department in our school district has expanded to 4/5 EL licensed teachers, 5 paraprofessionals including a liaison/translator, and will be expanding to an administration position as a Director of EL and Student Services to address the expanding needs of this population as well as the professional development and assistance required to address the academic needs of this subgroup of students. The added diversity to our school district has been welcomed in the past 15 years, however, the additional expenditures and required resources are impacting our school district budget and restricting the ability to address programming in a comprehensive and appropriate manner.

The McKenzie County Public School District #1 had 154.66 student ADMs associated with the 2024-2025 foundation aid formula and payment related to Level 1, 2 and 3 students which equated to 30.20 weighted student units and a payment of \$334,374.40. The total expenditure for the EL program will exceed \$700,000.00 this fiscal year and will get closer to \$1 million in the upcoming fiscal years. The perception of Level II and III students costing exponentially less than Level I students is false and nowhere near the proportions current in NDCC. HB 1494 provides the same weighing factor for both Level II and III students and will address the current inequity and inadequacy in the weighted factors for the Level II and III students. Level II and III students require resources and staffing of which the current weighting factors do not come close to fulfilling and are burdened with the school district and taxpayer. The weighted factors for EL students have remained unchanged for over a decade while adjustments have been made to the special education weighted factor and justifiably so. However, the EL population has become of a population to mirror the impacts of special education and warrants the adjustment to allow school districts to adequately fund EL programs without subsidizing from other programs or resources.

The EL program encompasses students and families of high quality and deserving of opportunities to succeed academically in our school systems. The challenges of overcoming language barriers can be immense and high-quality EL programs serve to provide school districts, students, and teachers with resources to provide opportunities for success and to

expand programs accordingly. HB 1494 is a step in the right direction to draw attention to EL funding and to increase outdated and inadequate weighting factors to address this growing population in North Dakota and to ensure academic progress and proficiency in comparison to their peers.

Thank you for your time and consideration of support for HB 1494.

Steven Holen



## **Testimony in Support of House Bill 1494**

Chairman Heinert and Members of the Committee, I stand before you today in strong support of House Bill 1494, which seeks to increase the weighting factors for English Learner (EL) students in our state's school funding formula. This is not just a policy adjustment—it is a critical and necessary investment in ensuring that our schools, particularly our larger districts, have the resources needed to effectively serve a growing and diverse student population.

## **The Urgent Need for Increased EL Funding**

North Dakota's student population is rapidly evolving, with many of our larger school districts experiencing significant growth in EL enrollment. These students bring with them a wealth of potential, but also unique challenges that require additional instructional support, specialized staffing, and targeted interventions.

Currently, the funding allocated for EL students does not reflect the true cost of providing high-quality instruction. Our educators are working tirelessly to support these students, but without adequate resources, we risk leaving them behind. Increasing the weighting for EL students is a direct investment in their academic success and future contributions to our state.

- The only amendment we'd ask for is adding more levels of service – thereby covering Levels 4 and 5.

## **Why This Bill Matters for School Districts**

- Higher Concentrations of EL Students: Larger districts are experiencing a disproportionate increase in EL enrollment, often requiring more specialized teachers, interventionists, and language support services.
- Greater Demand for Intensive Instruction: Many EL students arrive with limited English proficiency, and require smaller class sizes, individualized instruction, and additional academic supports to achieve proficiency.
- Impact on General Education Classrooms: Without sufficient funding, resources are stretched thin, making it harder for teachers to balance EL instruction with meeting the needs of all students in the classroom.
- Retention and Recruitment of EL Specialists: Schools must be able to attract and retain teachers who specialize in EL instruction, but without adequate funding, these positions are difficult to maintain.
- Smaller districts have a more difficult time finding staffing – dollars could support incentivizing.

## **HB 1494 Provides a Necessary Adjustment to the Funding Formula**

This bill would increase the weighting factors for students at different EL proficiency levels, ensuring that schools have the resources to meet the needs of these students at every stage of their language development. By recognizing the varying levels of proficiency, this adjustment



1 ensures more equitable funding that reflects the real costs of instruction and student support  
2 services.

### 3 **A Statewide Issue – Investing in North Dakota’s Future**

4 While the most immediate impact will be felt in our larger districts, this is a statewide issue.  
5 Many communities across North Dakota are welcoming new families, and schools must be  
6 equipped to support these students from day one. Investing in EL education is not just about  
7 meeting today’s needs—it is about ensuring that North Dakota’s workforce and communities  
8 continue to thrive for generations to come.

### 9 **Conclusion**

10 By passing HB 1494, you are ensuring that our schools have the funding necessary to provide  
11 quality education, close achievement gaps, and support the success of every student—regardless  
12 of language background. Our administrators, teachers, and EL students are counting on you to  
13 take this step forward in making our funding model more reflective of the real needs in our  
14 schools.

15 I urge you to support this bill and move it forward for passage.

HB 1494  
2025 Legislative Testimony  
House Education Committee

Good afternoon. Chairman Heinert and members of the House Education Committee. For the record, my name is Shawn Kuntz and I am the Superintendent of Schools for the Wishek Public School District #19 in Wishek North Dakota. I am submitting a written testimony in favor of HB 1494.

The main point of my testimony is to point out the issue with providing education for English Language Learners is not isolated to just the big schools. We currently have a pre-k-12 enrollment of 250 students. Of those 250 students, ten are on individualized language plans that are required to submit to the North Dakota Public Instruction State Automated Reporting System. That equates to 4% of our total student population. Sixteen years ago, when I arrived at Wishek Public School as elementary principal, we had a couple of students that qualified for ELL services based on the fact they were children of a household whose main language was not English even though the students did not struggle with the English language. At that time, I was able to fill the ELL position by combining it with a reading strategist position. I want to remind everyone the reading strategist position was a mandate requirement for public schools. Over the course of years, through staffing changes, our ELL/Reading Strategist position changed. Our ELL instructor moved into the classroom and our reading strategist position was combined with another position. We maintained this structure for many years until our ELL student population increased. We could no longer pull our ELL certified teacher from the classroom to provide the appropriate and necessary education for those students. We had to hire an additional staff member to provide the required ELL services to our students. We were very fortunate to find a part time staff member to serve our needs. Finding full-time educators for a small rural community is extremely difficult the way it is. Finding a part-time educator is as equally difficult. Regardless, hiring additional staff, part-time or full-time, creates budget challenges for small rural schools. I strongly support additional funding to assist in providing required educational services for our ELL students.

Thank you for your work and dedication towards our great state of North Dakota.

Shawn Kuntz

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1494  
2/4/2025

A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to the determination of weighted average daily membership; to provide an effective date; and to declare an emergency.

3:15 p.m. Chairman Heinert called the hearing to order.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marschall, Morton, Novak, Osowski

### Discussion Topics:

- Committee action

3:19 p.m. Representative Jonas moved to adopt amendment 25.1069.01001.

3:19 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	AB
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:23 p.m. Representative Hauck moved a Do Pass as amended, and rereferred to the Appropriation committee.

3:24 p.m. Representative Morton seconded the motion.



<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	AB
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motin carried: 13-0-1

Bill Carrier: Representative Jonas

3:25 p.m. Chairman Heinert closed the hearing.

*Sierra Schartz, Committee Clerk*

RS 2/4/25  
1.13

February 4, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1494

Introduced by

Representatives Jonas, Meier, Murphy, Richter, Hager

Senator Boschee

- 1 A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century  
2 Code, relating to the determination of weighted average daily membership; to provide an  
3 effective date; and to declare an emergency.

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

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

7 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 8 1. For each school district, the superintendent of public instruction shall multiply by:
- 9 a. 1.00 the number of full-time equivalent students enrolled in an extended  
10 educational program in accordance with section 15.1-32-17;
- 11 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
12 program, including a migrant summer education program;
- 13 c. 0.40 the number of full-time equivalent students who:
- 14 (1) On a test of English language proficiency approved by the superintendent of  
15 public instruction ~~are determined to be least proficient and placed in the first~~  
16 ~~of six categories of proficiency~~ test in the first, second, and third levels of  
17 proficiency; and
- 18 (2) Are enrolled in a program of instruction for English ~~language~~ learners;
- 19 d. ~~0.25~~ 0.40 0.10 the number of full-time equivalent students who:

- 1 (1) On a test of English language proficiency approved by the superintendent of  
2 public instruction ~~are determined to be more proficient than students placed~~  
3 ~~in the first of six categories~~ test in the fourth level of proficiency ~~and therefore~~  
4 ~~placed in the second of six categories of proficiency~~; and
- 5 (2) Are enrolled in a program of instruction for English ~~language~~ learners;
- 6 e. 0.25 the number of full-time equivalent students under the age of twenty-one  
7 enrolled in grades nine through twelve in an alternative high school;
- 8 f. 0.20 the number of full-time equivalent students enrolled in a home-based  
9 education program and monitored by the school district under chapter 15.1-23;
- 10 g. 0.17 the number of full-time equivalent students enrolled in an early childhood  
11 special education program;
- 12 h. 0.15 the number of full-time equivalent students in grades six through eight  
13 enrolled in an alternative education program for at least an average of fifteen  
14 hours per week;
- 15 i. 0.10 the number of students enrolled in average daily membership, if the district  
16 has fewer than one hundred students enrolled in average daily membership and  
17 the district consists of an area greater than two hundred seventy-five square  
18 miles [19424.9 hectares], provided that any school district consisting of an area  
19 greater than six hundred square miles [155399 hectares] and enrolling fewer than  
20 fifty students in average daily membership must be deemed to have an  
21 enrollment equal to fifty students in average daily membership;
- 22 j. 0.088 the number of students enrolled in average daily membership, in order to  
23 support the provision of special education services;
- 24 k. ~~0.070~~ 0.40 the number of full-time equivalent students who:
- 25 (1) On a test of English language proficiency approved by the superintendent of  
26 public instruction are determined to be ~~more proficient than students placed~~  
27 ~~in the second of six categories of proficiency and therefore placed in the~~ at  
28 the ~~third of six categories~~ level of proficiency;
- 29 (2) Are enrolled in a program of instruction for English ~~language~~ learners; and
- 30 (3) Have not been in the third of six categories of proficiency for more than  
31 three years;

- 1           l.   0.025 the number of students representing that percentage of the total number of
- 2           students in average daily membership which is equivalent to the three-year
- 3           average percentage of students in grades three through eight who are eligible for
- 4           free or reduced lunches under the Richard B. Russell National School Lunch Act
- 5           [42 U.S.C. 1751 et seq.];
- 6           m.   0.002 the number of students enrolled in average daily membership in a school
- 7           district that is a participating member of a regional education association meeting
- 8           the requirements of chapter 15.1-09.1;
- 9           n.   1.0 the number of students by which the district's September tenth enrollment
- 10          report exceeds the number of students in the prior year's average daily
- 11          membership; and
- 12          o.   For districts paid based on September tenth enrollment in the prior year, 1.00 the
- 13          number of students determined by deducting the number of students in the prior
- 14          year's September tenth enrollment from the prior year's average daily
- 15          membership. If the prior year's September tenth enrollment exceeds the prior
- 16          year's average daily membership, then a deduction of 1.00 the number of excess
- 17          students.
- 18        2.   The superintendent of public instruction shall determine each school district's weighted
- 19          average daily membership by adding the products derived under subsection 1 to the
- 20          district's average daily membership.

21       **SECTION 2. EFFECTIVE DATE.** This Act is effective July 1, 2025.

22       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE  
HB 1494**

**Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS** ([25.1069.01001](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1494 was placed on the Sixth order on the calendar.

**2025 HOUSE APPROPRIATIONS**

**HB 1494**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## **Appropriations Committee** Roughrider Room, State Capitol

HB 1494  
2/20/2025

A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to the determination of weighted average daily membership; to provide an effective date; and to declare an emergency.

4:05 p.m. Chairman Vigesaa called the meeting to order.

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

### **Discussion Topics:**

- Committee Work
- English language within school

4:05 p.m. Representative Heinert introduced the bill.

4:11 p.m. Chairman Vigesaa closed the meeting.

*Krystal Eberle for Risa Berube, Committee Clerk*



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

HB 1494  
2/20/2025

A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to the determination of weighted average daily membership; to provide an effective date; and to declare an emergency.

7:52 p.m. Chairman Vigesaa Called the meeting to order

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Member absent: Representative Louser

### Discussion Topics:

- Committee Action

7:53 p.m. Representative Murphy moved a Do Pass.

7:54 p.m. Representative Meier seconded the motion.

7:56 p.m. Roll call vote

Representatives	Vote
Representative Don Vigesaa	N
Representative Keith Kempenich	N
Representative Bert Anderson	N
Representative Mike Berg	N
Representative Glen Bosch	N
Representative Mike Brandenburg	N
Representative Jay Fisher	N
Representative Karla Rose Hanson	Y
Representative Scott Louser	AB
Representative Bob Martinson	N
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	N
Representative Eric J. Murphy	Y
Representative Mike Nathe	N
Representative Jon O. Nelson	N
Representative Emily O'Brien	N
Representative Brandy L. Pyle	N
Representative David Richter	N
Representative Mark Sanford	N



Representative Gregory Stemen	Y
Representative Steve Swiontek	N
Representative Scott Wagner	N

7:58 p.m. Motion failed 5-17-1.

7: 58 p.m. Representative Monson moved a Do Not Pass.

7:58 p.m. Representative Nathe seconded the motion.

7:59 p.m. Roll call vote

<b>Representatives</b>	<b>Vote</b>
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glen Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	N
Representative Scott Louser	AB
Representative Bob Martinson	Y
Representative Lisa Meier	N
Representative Alisa Mitskog	N
Representative David Monson	Y
Representative Eric J. Murphy	N
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	N
Representative Steve Swiontek	Y
Representative Scott Wagner	Y

7:59 p.m .Motion passed 17-5-1.

7:59 p.m. Representative Monson will carry.

8:00 p.m. Chairman Vigesaa closed the meeting.

*Krystal Eberle for Risa Berube, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1494 ([25.1069.02000](#))**

**Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **DO NOT PASS** (17 YEAS, 5 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1494 was placed on the Eleventh order on the calendar.