

SENATE BILL NO. 2194

Introduced by

Senators Heckaman, Marcellais, Oban

Representatives Delmore, Holman, Mock

1 A BILL for an Act to amend and reenact section 15.1-09-58, subsection 1 of section
2 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, 15.1-27-35, and 15.1-35-09 of the North
3 Dakota Century Code, relating to the provision of and payment for early childhood education
4 programs.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-09-58 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-09-58. Early childhood education - Authorization - Support.**

9 The

- 10 1. a Except as otherwise required in this section, the board of a school district may
11 establish an early childhood education program and, provided the program that is
12 approved by the superintendent of public instruction in accordance with chapter
13 15.1-37,
- 14 b. Beginning with the 2017-18 school year, the board of each school district shall
15 provide or contract for the provision of an early childhood education program that
16 is approved by the superintendent of public instruction, in accordance with
17 chapter 15.1-37.
- 18 2. A school district may support that an early childhood education program with:
- 19 4. a. Local tax revenues, other than those necessary to support the district's
20 kindergarten program and the provision of elementary and high school
21 educational services;
- 22 2. b. State moneys specifically appropriated for the program;
- 23 3. c. Federal funds specifically appropriated or approved for the program; and
- 24 4. d Gifts, grants, and donations specifically given for the program.

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-09.1-10 of the North Dakota
2 Century Code is amended and reenacted as follows:

- 3 1. The superintendent of public instruction shall forward the portion of a school district's
4 state aid which is payable by the superintendent under subdivision ~~h~~n of subsection 1
5 of section 15.1-27-03.1 as a result of the district's participation in a regional education
6 association directly to the association in which the district participates. The
7 superintendent shall forward the amount payable under this subsection at the same
8 time and in the same manner as provided for other state aid payments under section
9 15.1-27-01.

10 **SECTION 3. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-27-03.1. (~~Effective through June 30, 2017~~) Weighted average daily membership--**
13 **Determination:**

- 14 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~
15 ~~a. 1.00 the number of full-time equivalent students enrolled in an extended-~~
16 ~~educational program in accordance with section 15.1-32-17;~~
17 ~~b. 0.60 the number of full-time equivalent students enrolled in a summer education-~~
18 ~~program, including a migrant summer education program;~~
19 ~~e. 0.33 the number of full-time equivalent students who:~~
20 ~~(1) On a test of English language proficiency approved by the superintendent of~~
21 ~~public instruction are determined to be least proficient and placed in the first-~~
22 ~~of six categories of proficiency; and~~
23 ~~(2) Are enrolled in a program of instruction for English language learners;~~
24 ~~d. 0.25 the number of full-time equivalent students under the age of twenty-one-~~
25 ~~enrolled in grades nine through twelve in an alternative high school;~~
26 ~~e. 0.22 the number of full-time equivalent students who:~~
27 ~~(1) On a test of English language proficiency approved by the superintendent of~~
28 ~~public instruction are determined to be more proficient than students placed~~
29 ~~in the first of six categories of proficiency and therefore placed in the second-~~
30 ~~of six categories of proficiency; and~~
31 ~~(2) Are enrolled in a program of instruction for English language learners;~~

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- 1 f. ~~0.20 the number of full-time equivalent students enrolled in a home-based~~
2 ~~education program and monitored by the school district under chapter 15.1-23;~~
3 g. ~~0.17 the number of full-time equivalent students enrolled in an early childhood~~
4 ~~special education program;~~
5 h. ~~0.15 the number of full-time equivalent students in grades six through eight~~
6 ~~enrolled in an alternative education program for at least an average of fifteen~~
7 ~~hours per week;~~
8 i. ~~0.10 the number of students enrolled in average daily membership, if the district~~
9 ~~has fewer than one hundred students enrolled in average daily membership and~~
10 ~~the district consists of an area greater than two hundred seventy-five square~~
11 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
12 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
13 ~~fifty students in average daily membership must be deemed to have an~~
14 ~~enrollment equal to fifty students in average daily membership;~~
15 j. ~~0.082 the number of students enrolled in average daily membership, in order to~~
16 ~~support the provision of special education services;~~
17 k. ~~0.07 the number of full-time equivalent students who:~~
18 ~~(1) On a test of English language proficiency approved by the superintendent of~~
19 ~~public instruction are determined to be more proficient than students placed~~
20 ~~in the second of six categories of proficiency and therefore placed in the~~
21 ~~third of six categories of proficiency;~~
22 ~~(2) Are enrolled in a program of instruction for English language learners; and~~
23 ~~(3) Have not been in the third of six categories of proficiency for more than~~
24 ~~three years;~~
25 l. ~~0.025 the number of students representing that percentage of the total number of~~
26 ~~students in average daily membership which is equivalent to the three-year~~
27 ~~average percentage of students in grades three through eight who are eligible for~~
28 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
29 ~~[42 U.S.C. 1751 et seq.];~~
30 and

1 m. ~~0.002 the number of students enrolled in average daily membership in a school-~~
2 ~~district that is a participating member of a regional education association meeting-~~
3 ~~the requirements of chapter 15.1-09.1.~~

4 ~~2. The superintendent of public instruction shall determine each school district's weighted-~~
5 ~~average daily membership by adding the products derived under subsection 1 to the-~~
6 ~~district's average daily membership.~~

7 **~~(Effective after June 30, 2017) 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. 0.50 the number of full-time equivalent students enrolled in an early childhood
14 education program offered in accordance with section 15.1-09-58;

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

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

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

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

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

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

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

28 ~~f.g.~~ 0.20 the number of full-time equivalent students enrolled in a home-based
29 education program and monitored by the school district under chapter 15.1-23;

30 ~~g.h.~~ 0.17 the number of full-time equivalent students enrolled in an early childhood
31 special education program;

- 1 h-i. 0.15 the number of full-time equivalent students in grades six through eight
2 enrolled in an alternative education program for at least an average of fifteen
3 hours per week;
- 4 i-j. 0.10 the number of students enrolled in average daily membership, if the district
5 has fewer than one hundred students enrolled in average daily membership and
6 the district consists of an area greater than two hundred seventy-five square
7 miles [19424.9 hectares], provided that any school district consisting of an area
8 greater than six hundred square miles [155399 hectares] and enrolling fewer than
9 fifty students in average daily membership must be deemed to have an
10 enrollment equal to fifty students in average daily membership;
- 11 j-k. 0.082 the number of students enrolled in average daily membership, in order to
12 support the provision of special education services;
- 13 k-l. 0.07 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 more proficient than students placed
16 in the second of six categories of proficiency and therefore placed in the
17 third of six categories of proficiency;
- 18 (2) Are enrolled in a program of instruction for English language learners; and
- 19 (3) Have not been in the third of six categories of proficiency for more than
20 three years;
- 21 l-m. 0.025 the number of students representing that percentage of the total number of
22 students in average daily membership which is equivalent to the three-year
23 average percentage of students in grades three through eight who are eligible for
24 free or reduced lunches under the Richard B. Russell National School Lunch Act
25 [42 U.S.C. 1751 et seq.]; and
- 26 m-n. 0.002 the number of students enrolled in average daily membership in a school
27 district that is a participating member of a regional education association meeting
28 the requirements of chapter 15.1-09.1.
- 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 4. AMENDMENT.** Section 15.1-27-15.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-27-15.1. Isolated school districts - Transition payments.**

4 If during the 2010-11 school year, a school district received payments as a result of section
5 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the
6 factor established under subdivision h_j of subsection 1 of section 15.1-27-03.1, the district is
7 entitled to the following transition payments:

- 8 1. For the 2013-14 school year, an amount equal to that which the district would have
9 received under section 15.1-27-15, as the section existed on June 30, 2011;
- 10 2. For the 2014-15 school year, an amount equal to seventy-five percent of that which
11 the district would have received under section 15.1-27-15, as the section existed on
12 June 30, 2011;
- 13 3. For the 2015-16 school year, an amount equal to fifty percent of that which the district
14 would have received under section 15.1-27-15, as the section existed on June 30,
15 2011; and
- 16 4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the
17 district would have received under section 15.1-27-15, as the section existed on
18 June 30, 2011.

19 **SECTION 5. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-27-35. Average daily membership - Calculation.**

- 22 1. Average daily membership is calculated at the conclusion of the school year by adding
23 the total number of days that each student in a given grade, school, or school district is
24 in attendance during a school calendar and the total number of days that each student
25 in a given grade, school, or school district is absent during a school calendar, and then
26 dividing the sum by the greater of:
 - 27 a. The school district's calendar; or
 - 28 b. One hundred eighty-two.
- 29 2. For purposes of calculating average daily membership, all students are deemed to be
30 in attendance on:

- 1 a. The three holidays listed in subdivisions b through j of subsection 1 of section
2 15.1-06-02 and selected by the school board in consultation with district
3 teachers;
- 4 b. The two days set aside for professional development activities under section
5 15.1-06-04; and
- 6 c. The two full days, or portions thereof, during which parent-teacher conferences
7 are held or which are deemed by the board of the district to be compensatory
8 time for parent-teacher conferences held outside regular school hours.
- 9 3. For purposes of calculating average daily membership:
- 10 a. A student enrolled full time in any grade from one through twelve may not exceed
11 an average daily membership of 1.00. The membership may be prorated for a
12 student who is enrolled less than full time.
- 13 b. A student enrolled full time in an approved regular education kindergarten
14 program may not exceed an average daily membership of 1.00. The membership
15 may be prorated for a student who is enrolled less than full time.
- 16 c. A student enrolled full time, as defined by the superintendent of public instruction,
17 in an approved early childhood special education program may not exceed an
18 average daily membership of 1.00. The membership may be prorated for a
19 student who is enrolled less than full time.
- 20 d. A student enrolled in an approved early childhood education program may not
21 exceed average daily membership of 0.50.

22 **SECTION 6. AMENDMENT.** Section 15.1-35-09 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-35-09. Beverages - Snack breaks.**

25 During the 2013-15 biennium, a school district may utilize resources provided in accordance
26 with subdivision lm of subsection 1 of section 15.1-27-03.1 to ensure that students who are
27 eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act
28 [42 U.S.C. 1751 et seq.] receive one serving of milk or juice if a mid-morning snack break is
29 provided.